

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

UNITED STATES OF AMERICA PLAINTIFF

VERSUS CAUSE NO. 3:16-cv-00489-CWR-JCG

THE HINDS COUNTY BOARD OF SUPERVISORS,
HINDS COUNTY SHERIFF, ET AL. DEFENDANTS

STATUS CONFERENCE PROCEEDINGS
BEFORE THE HONORABLE CARLTON W. REEVES,
UNITED STATES DISTRICT COURT JUDGE,
JANUARY 24, 2020,
JACKSON, MISSISSIPPI

APPEARANCES:

FOR THE PLAINTIFF: CHRISTOPHER N. CHENG, ESQ.
AARON FLEISHER, ESQ.
CANDACE MAYBERRY, ESQ.

FOR THE DEFENDANTS: SCHERRIE L. PRINCE, ESQ.
TONY R. GAYLOR, ESQ.
CLAIRE BARKER, ESQ.

REPORTED BY:

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1 **IN OPEN COURT, JANUARY 24, 2020**

2
3 THE COURT: You may be seated.

4 Good morning. This is *United States of America versus*
5 *Hinds County*, cause number 3:16-CV-489-CWR-JCG. We're here for a
6 status conference today. Who is here for the United States?

7 MR. CHENG: Christopher Cheng, Candace Mayberry, and
8 Aaron Fleisher, Your Honor.

9 THE COURT: All right. Thank you. And my monitors are
10 here today as well. Ms. Simpson?

11 MS. SIMPSON: Mr. James Moser, David Parrish, and Dr. Rick
12 Dudley.

13 THE COURT: Okay. Thank you. Did you hear that, Candice?

14 THE COURT REPORTER: Yes, sir.

15 THE COURT: All right. Thank you. And who is here for
16 Hinds County?

17 MS. PRINCE: Scherrie Prince and Tony Gaylor.

18 THE COURT: Okay. All right. And who is here for the
19 sheriff?

20 MS. BARKER: Good morning, Your Honor. Claire Barker on
21 behalf of the sheriff's office, and at the table, we have
22 Supervisor Credell Calhoun, Sheriff Vance, and Supervisor Graham.

23 THE COURT: All right. I presume the parties have
24 received the Court's order adopting the motion for settlement; is
25 that correct?

1 Any particular questions or issues with respect to the
2 order that the Court entered?

3 MR. CHENG: No, Your Honor. We did receive the order.

4 MS. PRINCE: No, Your Honor.

5 THE COURT: Okay. How do we wish to proceed with respect
6 to the status conference?

7 MR. CHENG: Your Honor, I just have a few opening remarks,
8 and then I think it would be best to return to the normal format,
9 which is to have the monitors report on what they have observed
10 during last week's -- during this week's tour. We did want to
11 thank the Court for issuing the stipulated order and his opinion
12 in advance of the tour, so we could provide them to the defendants
13 as well as to the monitors.

14 I think it's very clear to all the parties, including the
15 monitors, the United States, that the Court considers this to be a
16 matter of urgency. And during the tour, we have tried to make it
17 very clear that these are real deadlines; people have to comply
18 with them. And despite the fact that there are a lot of things to
19 be done, they really do need to be done.

20 I think it's also fair to say that we got a general sense
21 from everyone we dealt with that they understood that. The only
22 question is, what are the actions going to be like once this week
23 has moved on?

24 That said, I would like to turn it over at this time to
25 the monitor, so she can brief the Court on the initial assessment

1 based upon this week's on-site visit.

2 THE COURT: All right. Just out of curiosity, it was not
3 clear for the last year that this Court was serious about this
4 order? It just took these 12 pages to let you know that everybody
5 now understands?

6 MR. CHENG: Sometimes when something is in writing, it
7 becomes much more concrete, Your Honor.

8 THE COURT: Okay. All right. Ms. Simpson, good morning.

9 MS. SIMPSON: Good morning, Your Honor. I struggled with
10 how to present the report today, because we do have the new
11 stipulated order. And so now we have two working documents: the
12 settlement agreement and the stipulated order.

13 And we also, as I'm sure everyone in the courtroom knows,
14 have a lot of new players in -- in this cause, so we have a new
15 sheriff, many new board of supervisors members, new county
16 attorney, new county manager, and there's also been changes at
17 Henley-Young. So it seemed to me that it might be helpful to
18 highlight a couple of the requirements in the stipulated order and
19 look at the current status and what's expected under the order,
20 and then we can go back more generally to some of the settlement
21 agreement requirements.

22 THE COURT: Okay. So that we can make sure that the
23 record is clear and the vernacular is correct, we have a new
24 attorney for the board of supervisors.

25 MS. SIMPSON: That's correct.

1 THE COURT: We don't have a new county attorney, I don't
2 believe.

3 MS. SIMPSON: Oh, I'm sorry.

4 THE COURT: I don't -- because there is a distinction
5 here.

6 MS. SIMPSON: Yes, I understand, and it's something that I
7 have not -- it's not the same terminology where I'm from, so
8 that's --

9 THE COURT: Trust me, it's not the same terminology. I
10 mean, it's Mississippi, so...

11 MS. SIMPSON: Okay. Okay. So one of the -- and I think
12 very important settle- -- or provisions in the stipulated order is
13 in the very first paragraph of -- or numbered paragraph "IA" and
14 that is that the County shall use a qualified security contractor
15 with the assistance and oversight of an architect with corrections
16 experience to accomplish the following safety and security
17 measures, and I think that is an important provision.

18 Throughout the litigation, we continued to hear that a lot
19 of money has already been spent on repairs and renovations at RDC
20 in particular, and it was always a little difficult to see where
21 that money was going because RDC continued to be in a very
22 dilapidated state. And so that was the reason for that particular
23 provision.

24 You know, there were some specific examples of work that
25 was done that would really not even have been done at all if a

1 qualified corrections person was involved. So, for example, at
2 one point in the renovation of C-POD, the maintenance personnel
3 had -- had put -- basically had covered over the windows in the
4 cells. In their view, making it more fortified. Well, in a jail
5 you can't cover over the windows into a cell, because then you
6 can't see what's going on in the cell.

7 So that's sort of an example of really a need for a
8 contractor with experience in corrections work, so that the work
9 is done -- the necessary work is done, and it is done correctly.
10 There also had reportedly been a lot of money going into repairing
11 the doors on an ongoing basis, but they were repaired in such a
12 way that they continued to be broken by the inmates. And now that
13 there is a qualified contractor coming in on the doors, they have
14 found a way that they can be renovated that they won't be broken
15 again or less likely to be broken by the inmates.

16 So that language is really important in something that we
17 want to see going forward, that there be somebody on site with
18 experience in correctional renovation and -- and repairs and
19 overseen by an architect as well that has that correctional
20 experience. That doesn't mean that somebody local can't be
21 involved in doing the work. I think that's great to develop local
22 capacity, but it really is important that there be somebody with
23 that kind of correctional experience involved.

24 And this will also be important when we get to the master
25 planning part of the stipulated order, because it really is -- in

1 looking at the options for the long-term plan, it's really
2 important to have a good handle on what it would take to bring RDC
3 up to needed standards and the cost and the effort, so that that
4 knowledge can go into figuring out what the long-term plan could
5 be.

6 The -- the stipulated order goes on to talk about the
7 various repairs to the doors, so that they actually can lock.
8 Obviously, that's a very important function in a jail. The C-POD
9 is being worked on. I think it's important to know that it looks
10 nice now. It's got a fresh coat of paint, but there is a long
11 ways to go for it actually to be ready to be occupied. One of the
12 provisions is that there be a fortified strip go down the side of
13 the cells to minimize the ability of the inmates to push the doors
14 open. That's been done in two of the housing units. That hasn't
15 been done in the two other housing units, so that's still a pretty
16 big job that has -- on those two units hasn't been started. When
17 we toured C-POD --

18 THE COURT: Let me ask you -- I'm sorry. Let me ask you
19 this. Which pod was it when we were back here -- I guess I made
20 my visit in August, and I was assured that one pod or one area --
21 and I can't remember which one it was -- was going to be done in
22 30 days, and I said, no, let's say 60 or 90 days. Is that pod
23 complete yet?

24 MS. SIMPSON: No. That was C-POD, and that's the one I'm
25 talking about now. The two units still need that metal strip.

1 The -- when we were there, there was water on the floor, and it
2 was from the recent rain. And we learned that there -- the roof
3 has quite a few problems. May at one point -- may already need a
4 new roof, but at a minimum, a lot of patching work has to be done
5 so that it does not leak. In fact, in one place you could stand
6 in the -- on the upper floor of the housing unit, and you could
7 actually see daylight out through the roof. So the roofing is a
8 real problem.

9 The water was turned off at the time we toured. At some
10 point, obviously, it needs to be turned on, and there may or may
11 not be issues with the toilets and the sinks leaking. Certainly
12 that had been reported by the inmates, but because the water was
13 turned off, we had no way of checking it while we were there.

14 THE COURT: The water was turned off where, Ms. Simpson?

15 MS. SIMPSON: I think during the renovations. When we
16 toured this week, the water was turned off, so I assume --

17 THE COURT: Just in that particular pod that's being
18 repaired?

19 MS. SIMPSON: Right. Right. And the pod is four units,
20 so its C -- each of the pods -- there's A, B, and C-POD. Each one
21 has four housing units in it, so C-POD has four units and the
22 water was turned off for all four units.

23 THE COURT: Anyone living in there?

24 MS. SIMPSON: No.

25 THE COURT: Okay. That's --

1 MS. SIMPSON: C-POD is empty for these renovations.

2 THE COURT: All right.

3 MS. SIMPSON: And the -- the work on the housing -- and
4 I'm not right now having the different pods clear in my mind,
5 because some have been repaired and some have not.

6 In C-POD I believe there are still housing unit rec yard
7 doors and control room doors to be repaired. Mr. Parrish could
8 provide the detail on which of those doors are -- need repairing
9 and renovating in C-POD, so that I believe has not been done as
10 well.

11 And there is what I would call "a punch list." I believe
12 Captain Fielder has created a punch list of a number of other
13 things that need to be done in C-POD. Some places where a bunk is
14 missing, where there's some sheetrock damage, things of that sort,
15 so there is a full punch list.

16 But Your Honor is correct; when we toured, it was
17 represented that it would be completed in one month, and assuming
18 that that was overly ambitious, there was talk of two or three
19 months. But it's now much further than that and still with quite
20 a bit of work to be done.

21 And I -- the doors need to be done under the stipulated
22 order within four months, so there is some time under the order
23 for that. But in order for the pod to be occupied, there's quite
24 a few other things that need to be completed.

25 Another requirement of the stipulated order that has not

1 really been initiated yet is -- involves the booking cells. And
2 the order requires that in the occupied cell, in the booking cell
3 have the door changed out. Right now you can't see into any of
4 the booking cells if the doors are closed. They do have a little
5 window. They've been covered over with mesh. As a practical
6 matter, you can't see into them.

7 And that's typically a very dangerous time, because
8 individuals come in potentially intoxicated or on drugs or with
9 unclear medical issues. And so it's really important to have that
10 visibility in that timeframe. That's something that needs to be
11 completed. It really -- I don't believe -- has been looking at
12 yet in terms of who the contractor would be and when the work
13 would be completed.

14 More troubling to me is -- and in retrospect the
15 stipulated order on this issue could have been a little more
16 clear. It was my understanding that those single cells in the
17 booking area would not be used to house inmates at all. They're
18 not built for housing inmates. The settlement agreement requires
19 that those holding cells not be used to house anybody longer than
20 eight hours. Currently, they are being used to house inmates.
21 One inmate has been there since mid December.

22 And they -- they are limited in space because of the
23 renovations, and they do have issues with difficult inmates
24 because the doors don't lock. But those cells really aren't
25 intended to be used for housing. It is addressed in the

1 stipulated order. The way the order reads, it sounds like they
2 have four months to discontinue using those cells. It certainly
3 is not ideal to be using them.

4 THE COURT: Which paragraph of the order are you
5 specifically referring to?

6 MS. SIMPSON: It would be paragraph "I(A) (7)," the County
7 shall replace all holding cell doors in the booking area.

8 THE COURT: Is this the area where -- and forgive me if
9 I'm -- you know, I'm going off on memory. Is this the area where
10 they keep people who might be injured or need medical attention?
11 Because I remember seeing a couple of people who had received some
12 sort of medical treatment and were -- was in an area where that
13 person was recuperating. Is that the area where you're talking
14 about they should not --

15 MS. SIMPSON: No. I believe that would have been the
16 medical housing area.

17 THE COURT: Okay.

18 MS. SIMPSON: This is the booking area. When people first
19 come in and they're booked during the booking process and until
20 they're classified and sent to housing, they are typically held in
21 a holding cell in the booking area.

22 THE COURT: Okay.

23 MS. SIMPSON: And there are a couple of multiuse cells
24 there, which are typically used for the inmates being booked in.
25 Although, occasionally there's a difficult inmate that needs to be

1 housed separately, in which case they use a single cell.

2 But then there's a whole row of single cells that are
3 actually not visible from the booking station, and they typically
4 are not used and should not be used. If they're used at all, it
5 should be for a short period of time before somebody is moved to
6 housing -- one of the regular housing units. Right now four of
7 those cells are being used to actually house inmates, and one
8 person there has been there a little over a month. And as I
9 said --

10 THE COURT: Did you receive any explanation as to why the
11 person -- I mean, because booking takes 24 hours, 48 hours,
12 72 hours I would imagine. You know, if somebody is intoxicated
13 when they come in --

14 MS. SIMPSON: Right.

15 THE COURT: -- generally.

16 MS. SIMPSON: And these are not being used at this time
17 for incoming inmates. These are inmates that have presented a
18 problem at the facility and the -- as I said, the explanation was
19 because they -- the cells in the housing unit are limited because
20 of the renovation and because the doors don't lock, they have used
21 these booking cells for more difficult inmates.

22 We have suggested that alternatives include using the
23 special housing units at the work center, using JDC, using the
24 multicell -- multiperson cell in booking, because at a minimum, it
25 provides more room. You know, there certainly may be times when

1 those alternatives aren't available either. But -- but using
2 those cells -- single cells in booking for housing is -- is --
3 ultimately is prohibited by the stipulated order. The sooner they
4 can do that, the better, because they're really not intended for
5 long-term housing and they're not appropriate for that use.

6 THE COURT: But did you get an explanation as to why those
7 particular --

8 MS. SIMPSON: Yeah. As I mentioned, because they're
9 difficult inmates and they don't -- the explanation was they don't
10 have cells in the housing units that can adequately handle these
11 inmates because of the limitation of cells, and because they don't
12 have cells that lock at this time is the explanation.

13 THE COURT: Okay. Thank you.

14 MS. SIMPSON: And moving to I(B) the master planning
15 process, again, those deadlines aren't upon us yet, but this is
16 something that really the preparation for that needs to start now.
17 It is a fairly long-term process. A lot of information has to be
18 gathered, a committee needs to be formed, a facilitator needs to
19 be contracted, and its -- it really is an important part of the
20 roadmap.

21 One of the difficulties for the County and for the sheriff
22 is knowing where to invest their money. Is RDC going to be used
23 in the long term? Is it not? Same with JDC. And it's
24 understandably difficult to invest a whole of money in a facility
25 that may not be used. But that end game needs to be identified,

1 so that what we do in the short run is -- becomes clear and makes
2 sense, and so that's really important.

3 And its -- we don't know at this time what that master
4 planning process will disclose. But we have said from the
5 beginning that for an inmate population of the size here and the
6 size of the county, running three facilities is not very
7 efficient. And I understand that there's a perceived benefit in
8 each facility, but one of the reasons why the staffing needs are
9 so high is because they are operating three facilities. And --
10 and that makes the master planning process very important to
11 figure out what the best use is, so that they can reduce the
12 number of facilities and invest the money in the ones that they
13 are going to keep.

14 One of the critical provisions of the stipulated order,
15 and perhaps one of the most difficult, is to increase the
16 staffing, and the staffing this trip was actually at an all-time
17 low. They are now down to 204, and it helps that their population
18 is also down. It's like 430, in that range. But still, again,
19 with the inefficiency of running three facilities, that is far
20 less than what they need to provide adequate supervision.

21 And some work is underway. We did bring a staffing or a
22 recruit -- retention and recruitment specialist on to the team to
23 help provide that. Defendants have embraced that, which is -- has
24 been good to see. That person has been out once, and he is coming
25 I believe next week and will be meeting with the various

1 stakeholders and working through some of the issues.

2 As has been mentioned, they actually have hired quite a
3 few people, but they've lost more than they've hired. And
4 retention seems to be an enormous issue here, so that's being
5 worked on.

6 And I do want to eventually talk about some of the more
7 general things we've seen, but in connection with staffing, we had
8 a very good visit with the training personnel and are very
9 encouraged with some of the work that's going on there. And when
10 I'm done, I'll have Mr. Parrish talk about some of that.

11 There's a couple of very early job description -- or
12 excuse me, jumping ahead -- early deadlines that I think really
13 need to be highlighted, and one of them is the job description for
14 a jail administrator. Major Rushing has -- has done a great job
15 holding down the fort. It's been difficult for us, because she
16 doesn't actually meet the requirements of the settlement
17 agreement. And so I -- one of the provisions in the stipulated
18 order is that they actually post for somebody who meets those
19 requirements, and there's provision for if no one appears with
20 those qualifications. But that deadline is 60 days, so that's
21 going to come up pretty quickly.

22 THE COURT: What -- I'm sorry. Which paragraph is that,
23 Ms. Simpson?

24 MS. SIMPSON: That is P.I. --

25 THE COURT: Is that C(1)?

1 MS. SIMPSON: Yes, C(1), II. C(1).

2 THE COURT: Okay.

3 MS. SIMPSON: And this is jumping around a little bit,
4 because I wanted to highlight some of the things that are very
5 short deadlines. Another one that has a very short deadline is --

6 THE COURT: I mean, do you know if -- if the job
7 description has been prepared at this time?

8 MS. SIMPSON: Not to my knowledge, but I have to admit we
9 didn't specifically ask that question. So perhaps Ms. Barker
10 knows.

11 THE COURT: Okay. I mean, that's one of the -- when the
12 others respond, please respond to the questions that I've posed
13 simply because the Court took -- it took the Court about 30 days
14 after the parties submitted the order to the Court for the Court
15 to enter it. And the parties knew at the time back in December
16 when we met -- I guess it was December when we met -- that it was
17 the Court's intention to enter the order in its submitted form, I
18 believe. I think I indicated that to the parties. I just think I
19 announced that I would have something else to say, but that I
20 would enter the order.

21 So I'm hoping the County and/or the sheriff's department
22 and the parties in general did not sit to wait for the Court's
23 actual execution and entry of the order before it started taking
24 steps to implement the order. In other words, you've -- the
25 parties had about a 30-day grace period that would not count

1 against you for getting some of these things done. You may
2 proceed.

3 MS. SIMPSON: That's correct. So another fairly short
4 deadline is under the policies and procedures, which is
5 III.(A)(1), within 60 days there has to be a table of contents
6 listing the policies and procedures to be developed and the
7 anticipated deadlines. This is another short deadline.

8 As the Court knows, I have brought on to my team an
9 individual to help with the development of the policies and
10 procedures. It does require the participation of the local staff.
11 And the -- I think the point person on this particular project has
12 been difficult to engage, and so I think that needs to be
13 addressed in order to meet this -- this deadline. So that
14 deadline is going to also come up pretty quickly. And it is --
15 even though a member of my team is working on it, it does require
16 the participation of sheriff's office staff.

17 Another very short deadline -- and I want eventually to
18 talk about Henley-Young in a little more detail. But they have
19 30 days to post a position for a treatment director and/or
20 coordinator, and that, Your Honor, is in IV.(A). And I'm -- they
21 certainly have been looking for somebody to fill that role. What
22 the stipulated order did that's a little bit different is it
23 identified the position as a treatment coordinator or program
24 coordinator, and that appeared to be, based on the experience with
25 the prior individual, of what was really needed on site. And also

1 the stipulated order allowed that posting to be either a
2 psychologist or LCSW, a licensed clinical social worker. And so
3 it's important that those nuances be understood and addressed in
4 the posting, because it does change the nature of the position
5 somewhat and also changes the licensure requirement that hopefully
6 will still bring a very qualified applicant but may broaden the
7 potential applicant field. So that's -- that's a very quick
8 deadline, 30 days, and an important one to read carefully to see
9 how it is different from what's been posted previously.

10 Another area -- and this doesn't have particularly quick
11 deadlines but it's -- it's sort of a new -- a new area for Hinds
12 County, and that's the development of a pretrial services program.
13 The purpose of that provision is to maintain population
14 management. Hinds County inmate population has dropped
15 significantly, and that's a result of a number of things. But
16 this develops what most communities are using, including the
17 federal court system is using, to actually have a pretrial program
18 that is high functioning and makes that population drop
19 sustainable.

20 And the requirement in the stipulated order is that there
21 be a consultant retained, and there is a consultant that has
22 previously worked with Hinds County who does -- he was working
23 with them on the development of the CJCC, the Criminal Justice
24 Coordinating Counsel, that his organization also has a lot of
25 experience in developing pretrial programs. They can, of course,

1 contract with somebody else, but there is somebody who's already
2 experienced in Hinds County that has that expertise.

3 It also requires that the County hire a full-time
4 individual to oversee the development and implementation of a
5 pretrial program, and I did want to emphasize that because
6 understandably in a jurisdiction where funds are limited, which is
7 true in every jurisdiction but perhaps has been more of a problem
8 here, there's a tendency to add these kind of duties to somebody
9 who already has a job. And that was being done with an individual
10 who was already serving under the settlement agreement as the
11 quality control officer in the area of releasing and records, and
12 when there was apparently a position budgeted for pretrial
13 services, he was given that job on top of what he was already
14 doing.

15 And so this stipulated order makes clear that's not what
16 is expected to happen. That there needs to be a full-time person
17 dedicated to the development of pretrial services program and not
18 have those duties added on to somebody who already has a full-time
19 job. And I can go more into what that looks like, but there is a
20 fairly long period of time for the actual development of the
21 program, but it does require getting those people on board so that
22 can get started. And --

23 THE COURT: But the County has, according to section
24 IV.(2), I guess it is, IV.(A)(2), the County has four months to
25 hire that particular person, right?

1 MS. SIMPSON: That's correct.

2 THE COURT: Okay.

3 MS. SIMPSON: That's correct. One thing that is mentioned
4 in the introductory paragraphs that I want to mention, and that's
5 on Page 2, it says, "The Settlement's self-reporting and
6 monitoring processes also shall apply to this Order." And that's
7 one thing I wanted to emphasize, because it's something that we
8 believe is an important part of the settlement agreement, and by
9 incorporation, a part of this. And it's not something that has
10 been done in accordance with the settlement agreement, and that is
11 there is a requirement that there be a self-assessment, and that
12 self-assessment is supposed to be completed before each site
13 visit.

14 The purpose of that requirement is actually to essentially
15 create their own action plan on how they're going to achieve
16 compliance and whose responsible for each area of compliance, what
17 actions are needed. And that is intended to really guide their
18 own process towards compliance, and that hasn't been routinely
19 done. That is something that we would like to see done. It's
20 required by the settlement agreement and now by the stipulated
21 order as well.

22 And in that area, I also want to highlight that the -- the
23 compliance coordinator position is, in fact, a full-time position
24 under the -- the settlement agreement. And, again, I think
25 there's a tendency to sometimes add on other duties that are

1 separately required and -- and attention has to be given to the
2 fact that the actual requirement that that be a full-time
3 position. There was recently talk about adding some of the -- the
4 quality control duties to that position or potentially some of the
5 pretrial duties to that position, and it really needs to be
6 highlighted that under the settlement agreement, those are
7 different -- different duties. And at a minimum, the compliance
8 coordinator at this time needs to be a full-time position.

9 And then lastly I wanted to highlight the provisions on
10 Henley-Young. I mentioned the posting for a treatment director,
11 because that requirement is very short. But there is also the
12 requirement for developing programming that is covered in the
13 Henley-Young section, Roman Numeral V. The Henley-Young section
14 of the litigation is sometimes a bit of a stepchild. As it turned
15 out, the individuals at Henley-Young had not seen the stipulated
16 order when we visited -- when my juvenile expert visited with them
17 this week. And its -- so they're already somewhat behind in not
18 even knowing that those requirements had been entered into a court
19 order, so I think --

20 THE COURT: Any -- any explanation as to why?

21 MS. SIMPSON: I will let my juvenile expert address that.
22 But my sense is in part because of the turnover in the -- in the
23 attorneys' positions and the County positions as well as
24 Henley-Young having a separate settlement agreement, which I think
25 has often been their focus. And so the proceedings related to

1 Henley-Young in this case sometimes seem to get lost in the
2 translation I guess I would say. But they have now been informed
3 of the requirements.

4 The programming deadline is three months, which is still a
5 fairly short deadline, but the posting of the position for the
6 program coordinator is coming up rapidly. So those are the
7 positions in the stipulated order that I wanted to emphasize and
8 mention briefly where we see the current status.

9 We, of course, did our general site visit as well looking
10 at the requirements of the settlement agreement, and I typically
11 look more at the administrative side of things. And there has
12 been, I would say, very good progress in the area of grievances.
13 It's, again, perhaps not the highest priority, given the condition
14 of RDC, but it can certainly help with the demeanor of the inmates
15 and the facility generally.

16 In the past there have been -- many times when there are
17 hundreds of grievances that have fallen off the dashboard, and,
18 therefore, not been responded to. That was not the case now.
19 There were virtually no grievances that had gone unresponded to,
20 and looking at the substance of the grievance responses, they have
21 certainly improved. There are still occasions where they really
22 don't provide an adequate response to the inmate, which can
23 contribute to frustration and -- and poor -- and cause attitude
24 issues on the -- on the housing units, but that area was much
25 improved.

1 Records is very much improved. Again, there were some
2 issues, which will be detailed in the monitoring report, but the
3 files are in much better order. They're tracking the basis for
4 detention. I will highlight one glitch that is really quite
5 troubling is I did not have the opportunity to review too many
6 files, but in two of those files, there was a notation on the
7 arrest form after noting the arrest that said, "hold for
8 investigation."

9 In fact, one of those individuals should not really have
10 been booked in, but was booked in because it said, "hold for
11 investigation," which was a handwritten note by the officer. And,
12 obviously, that does not constitute a legal hold. So that's the
13 first time I've seen it. I saw two out of seven files had it, so
14 it's a trend that should definitely be addressed promptly. But in
15 general, the files were in much better order than I've seen in the
16 past.

17 THE COURT: Well, what did -- could you tell me what do
18 you mean by notation that says "hold for investigation"? Who is
19 that notation to, and what is someone to do when they see that
20 notation?

21 MS. SIMPSON: It -- the intent was that the releasing
22 officer should hold that individual for purposes of the officer
23 doing an investigation, even though the individual might otherwise
24 be entitled to release.

25 THE COURT: So the person is being detained for a period

1 of time, so that an investigation can be completed? Is that what
2 you perceived to be from that particular note?

3 MS. SIMPSON: That's correct, that a handwritten note like
4 that does not constitute a valid hold. So if a person is
5 otherwise entitled to release, they should not be detained based
6 on that. And like I said, one individual actually was being
7 booked only on misdemeanors, which the jail no longer takes those
8 misdemeanors, and so the only reason he was booked in was based on
9 that handwritten note "hold for investigation."

10 THE COURT: Is that -- I mean, did you ask anyone any
11 question about that, and did they respond in any way? I mean,
12 like, the person -- you've got the file. I mean --

13 MS. SIMPSON: Yes, Your Honor. I was looking at it with
14 the records supervisor, and she understood that that was not
15 valid. And the one individual that had been booked on
16 misdemeanors, the next morning a supervisor came in and said, no,
17 that person should not have been booked, and he was released.

18 THE COURT: Okay. All right.

19 MS. SIMPSON: So that -- we did spend quite a bit of time,
20 like I said, with our regular review, but I wanted to focus, as I
21 said, on the stipulated order. And we did see many encouraging
22 things. Like I said, the training in particular I want to have
23 Mr. Parrish address. And, obviously, we are seeing some
24 improvement to the facility itself, so I would like to turn it
25 over first to Mr. Parrish to get an update on those more general

1 areas of the settlement agreement.

2 THE COURT: Thank you, Ms. Simpson.

3 MR. PARRISH: Good morning, Your Honor.

4 THE COURT: Good morning.

5 MR. PARRISH: Dealing with the corrections operations
6 aspects of the settlement agreement, as Ms. Simpson mentioned,
7 staffing, one of the key components, was at an all-time low of
8 only 204. When we reported at our last status hearing, it was
9 218. And in the past two years, the highest it's ever been is
10 256. There are 275 authorized positions. 271 are actually
11 funded, but the downward trend is counterproductive.

12 The one saving grace is that the count is down. The
13 inmate count is down to an all time new low as well. It was only
14 441 this week. Now, when we started the monitoring process about
15 three years ago, the count was in excess of 700, so that's made it
16 possible for a whole pod to be shutdown for renovations. It's
17 made it possible for, you know, them to survive with so many
18 malfunctioning locks and such. But that -- that figure is
19 incredibly low as well.

20 Direct supervision training finally began in December, and
21 the last time we were here, we met with the training staff. The
22 National Institute of Corrections had put on a train the trainers
23 program. They came in to town twice over the past year and got
24 the command staff on board with direct supervision, committed to
25 it, and then did specialized training for people who would then be

1 the trainers for direct supervision for all the rest of the staff
2 who are going to be working in the jail. We're finally to the
3 point where we're starting to train the people who are actually
4 going to be doing the work, and the first class within December
5 had 32 people in it. Twelve of them were new recruits that just
6 came on board. Twenty of them were existing officers that came
7 from the Work Center, Raymond Detention Center, Jackson Detention
8 Center, and that process is going to continue. They've got a good
9 system in place. It's going to continue with each new recruit
10 class to add a direct supervision component for the new officers
11 and then some of the existing staff. That's critical to make it
12 possible to retake control of the Raymond Detention Center.

13 THE COURT: How often will this training take place?

14 MR. PARRISH: How often?

15 THE COURT: Uh-huh.

16 MR. PARRISH: It's every time they have a new class, so
17 the next class -- they're doing interviews for 15 potential
18 recruits next week. They'll bring them on board, so it would be
19 just in a matter of weeks that they would start the next class, so
20 that's a good way to do it. It's a routine process. It's not
21 something that requires specialized scheduling and gets shunted
22 off to the side as so often happens when other priorities set in,
23 so I like the way training is approaching it.

24 THE COURT: And how long is that training?

25 MR. PARRISH: It's not as long as I would like to see.

1 It's only 16 hours; that's not sufficient to truly train somebody
2 to take over a housing unit. But the next part of it is they're
3 working on a field training officer program. That's excellent as
4 well, something they've never had. And when they do that, then
5 they can put somebody with an officer whose working in a direct
6 supervision housing unit at the work center, spend a week or so
7 doing that kind of thing until you're comfortable that that person
8 can be cut loose and hands free to take over a housing unit. So
9 they're going in the right direction.

10 THE COURT: This 16-hour training, is it like two days of
11 eight-hour training or four days of four hours?

12 MR. PARRISH: Yes, sir, it's two days' worth. And they
13 have some classroom time; they have some hands-on time. They'll
14 go into a housing unit at the work center, and then they'll go
15 over to, like, take a look at like Charlie, which is under
16 renovation, to see this is what you're going to be going into
17 eventually. So it's really moving in the right direction.

18 Charlie pod, it is -- when you walk in, the impact is
19 significant. It looks like a jail again, but it's not going to be
20 ready for several months, at least two months. Quite frankly,
21 its -- there's two aspects of this. One, physically, they've got
22 to get the area ready, but they also have to have the people
23 trained to be able to get to that. Because once they reopen a
24 housing unit at -- in Charlie, it needs to be under direct
25 supervision. After all that time, effort, and money that's been

1 put into fixing that place, it can't just be turned back to the
2 inmates to trash again. You have to have an officer inside to
3 truly run each housing unit, and that's why these two things are
4 interlocked. It's really, really important. There's been a
5 commitment to doing that, but from my perspective, it's essential.
6 Otherwise, we're just spinning our wheels.

7 At the Work Center, this is not included in the stipulated
8 order, but something that has been submitted for quite a while and
9 hopefully the County will have it installed in short order, is a
10 camera and an alarm system at each fire exit door in the Work
11 Center, so each housing unit has that. Because of the
12 configuration, the way it is right now, ever since the building
13 opened, they've staffed it with two people for each housing unit,
14 which is an incredible waste of manpower. If they have the camera
15 and the alarm system installed on each door, they can then safely
16 drop back to only one officer, save staff, and then they'll be
17 able to operate those housing units truly in direct supervision
18 the way they should be. So I hope that that will happen very
19 shortly, although I said it's not specified in the order, but
20 that's a critical thing for them to do.

21 MR. CHENG: Your Honor, just as a quick correction, that
22 is actually specified in the order.

23 MR. PARRISH: Is it?

24 MR. CHENG: It is. It's at II.(A)(4).

25 MR. PARRISH: I'm sorry.

1 THE COURT: I'm sorry. Which paragraph, Mr. Cheng?

2 MR. CHENG: II.(A) (4).

3 MR. PARRISH: My mistake.

4 THE COURT: No problem.

5 MR. PARRISH: I even looked it over again this morning;
6 I'm sorry.

7 Booking holding cells, the first time that we came in here
8 and started monitoring three years ago, inmates were routinely
9 housed in booking holding cells. We found one that had been there
10 for three and a half years. That was one of the first things that
11 we said needed to stop, and that's an inappropriate use of booking
12 holding cells. And for quite a while, it did stop. And then
13 sporadically it would pop up again when there was a real problem
14 person that maybe got transferred in from another facility and
15 such. But this time we came back, and it's become a systemic
16 practice again which needs to stop.

17 Those holding cells have no windows. There's no
18 recreation space. There's no -- visitation becomes real
19 problematic. It's just inappropriate housing. It's okay for up
20 to a few hours, that's why they're called holding cells. And we
21 would encourage that process to stop.

22 But as Ms. Simpson said, the reason is the locks don't
23 work, and iso units are jammed full right now. The isolation
24 units that have four cells that are associated with each pod,
25 there's one iso on each side, and that's the reason that's

1 happened. But that's one of those practices that needs to stop.

2 THE COURT: How many iso units do we have? I mean, you
3 say four --

4 MR. PARRISH: At each pod. There are three pods: Alpha,
5 Bravo, Charlie. Each pod has two iso units. It will have Alpha 1
6 iso, Alpha 4 iso, Bravo 1 iso, and so there's four of them.
7 Excuse me, there are two of them in each of the pods, so there are
8 a total of --

9 THE COURT: Six right now.

10 MR. PARRISH: -- six. Yes. Yes, sir. And, you know, two
11 of them are out of service, because they're in Charlie.

12 THE COURT: Right. So it's a total of six that can be --

13 MR. PARRISH: There are a total of six. There are four
14 that are operational, yeah.

15 THE COURT: No. There's a total of -- it would be a total
16 of eight -- oh, okay, A, B, C, there's only three pods.

17 MR. PARRISH: There are three pods.

18 THE COURT: Okay.

19 MR. PARRISH: One is completely shutdown. Charlie is
20 shutdown. So you have two iso units in Alpha and two iso units in
21 Bravo.

22 THE COURT: And the iso units are designed to only hold
23 one person?

24 MR. PARRISH: They have four single cells, except for one
25 that has been modified down to three. But they -- like for

1 suicide watch, one of them is dedicated to that. Real problematic
2 people that used to be housed in booking, that's where they went
3 to, to an iso unit. And then other people who have either real
4 management problems or real protective custody issues that we
5 can't put them somewhere else, that's what they're used for.

6 THE COURT: Where are the -- you mentioned the individual
7 who had been three and a half years when you first started --

8 MR. PARRISH: Yeah.

9 THE COURT: -- in one of the areas, in the holding area.
10 Did you all find out anything about that particular individual?
11 Was that an individual who might have been waiting to be
12 transferred to Whitfield or something like that? Do you know?

13 MR. PARRISH: A real problem inmate who is deaf and had
14 all kinds of problems --

15 THE COURT: Okay.

16 MR. PARRISH: -- that just were really unusual, yeah.
17 Yeah.

18 THE COURT: Okay. Well, with respect to those who are
19 utilizing the iso units today, why are they there?

20 MR. PARRISH: They're making good utilization of them.
21 Like, some are real management problems. Some are others that
22 have to have protective custody that they can't put them somewhere
23 else. You can't put them somewhere else. You can't put them in a
24 whole unit somewhere; they wouldn't be safe. So they're making
25 good utilization of the space they do have.

1 But they -- and as I think the monitor said, they're even
2 making full utilization of the ten isolation cells that are over
3 at the Work Center now. When I went through there twice this
4 week, they were full, so they are utilizing their space as
5 effectively as possible.

6 But there are all kinds of issues they've had. Like at
7 the Jackson center, there are plumbing and mold issues. They had
8 to move all of the men from the third floor out to the Work
9 Center. They were moved out there last week. They will probably
10 be there until next week sometime. They've managed to get the job
11 done in spite of all kinds of problems, but it's really put a
12 strain on the system.

13 THE COURT: Okay. Thank you.

14 MR. PARRISH: Well-being checks are a very important part
15 of getting the job done, and there was a huge improvement. As a
16 result of our last visit, the monitor and I met with Major Rushing
17 and Captain Fielder and a shift commander and developed a system
18 to allow for more effective well-being checks to be done at the
19 Raymond center, which eliminated the need to keep individual logs
20 for each of the housing units, even though they're not staffed
21 now. And that made it possible to keep staff out of the control
22 room and put them on the floor where they're able to better do
23 their job doing well-being checks inside the housing units.

24 So there's been a tremendous improvement with that. That
25 process was implemented back in October, and I can really see the

1 process already. So that's a step back towards taking control of
2 the jail again.

3 There is always a problem with staff being consistent in
4 what they do, so I am going to submit an interim stopgap policy
5 that hopefully won't be necessary in the future; it will be
6 incorporated into something else. But it's going to spell out the
7 requirement for 15-minute well-being checks for people that are in
8 holding cells and booking, 30-minute well-being check for people
9 that are in confinement cells who are locked down 23 hours a day,
10 and one hour well-being checks for general population.

11 Everybody supposedly knows that, but every time I come
12 back, things have drifted. So I think the staff will benefit from
13 having a written policy on that, and that's not -- not normal
14 order of things, but I'm going to work on that and run it through
15 the monitor during the next week or so.

16 Finally, we talk about door locks and repairs, and we were
17 very pleased to see that on Tuesday the board of supervisors
18 awarded a contract to CML, the company that had come in from Texas
19 and done the sample repairs in Alpha pod. They did swinging doors
20 in the control room there. They did swinging doors in the entry
21 to the four housing units in Alpha, and they are now contracted to
22 do the same thing in the other two housing units -- excuse me, the
23 other two pods Charlie and Bravo -- and also to put swinging doors
24 in Units 3 and 4 in Bravo. So that work is going to progress with
25 a qualified contractor; that's a real step in the right direction.

1 THE COURT: Any particular timeline, other than the
2 timeline that's set forth --

3 MR. PARRISH: No, sir.

4 THE COURT: -- in the agreement?

5 MR. PARRISH: No, just the agreement.

6 THE COURT: Okay.

7 MR. PARRISH: But -- but the contract was awarded this
8 week while we were here. They were here on site this week.

9 THE COURT: Right.

10 MR. PARRISH: And that's why I think that it's important
11 that that provision in the agreement be that a professional
12 corrections contractor be utilized to supervise things. There are
13 long-standing issues that may go back as far as three years that
14 have been corrected, falling apart, corrected again, falling
15 apart. If they had been done right with somebody who was really
16 qualified the first time, we wouldn't be going through the same
17 process again. So that concludes my report, sir.

18 THE COURT: Thank you, Mr. Parrish.

19 MR. PARRISH: Thank you.

20 MS. SIMPSON: Your Honor, I wanted to ask Dr. Dudley to
21 come up and give his report. And as an introduction, Dr. Dudley
22 is a psychiatrist and is addressing the mental health provisions
23 of the settlement agreement. There are not mental health
24 provisions in the stipulated order. It's not because we don't
25 think of those provisions as important. They really weren't

1 raised in the contempt motion, and so they were not incorporated
2 in the stipulated order.

3 The mental health area is one I think is critical to the
4 operation of the jail. The jail here, like many jails across the
5 country, has a very high percentage of people who are on the
6 mental health caseload. And Dr. Dudley can provide the numbers.

7 Those individuals typically present some of the most
8 difficult management problems in the jail and are often the ones
9 involved in fights or other incidents, sometimes as the
10 perpetrator, sometimes as the victim, because it's very hard for
11 the other inmates to understand the -- the individuals with mental
12 illness.

13 So even though it's not incorporated in the stipulated
14 order, we hope that the progress in the mental health area will
15 continue. And I will say -- and Dr. Dudley can provide more
16 detail -- having seen a variety of medical providers, contract
17 medical providers in the jail, one thing that has been beneficial
18 in making progress in this area is that the contractor here, QCHC,
19 has actually been very responsive to concerns both in the medical
20 and mental health area. And so hopefully that progress will
21 continue, but I'll let Dr. Dudley provide the detail in that area.

22 MR. DUDLEY: Good morning, Your Honor.

23 THE COURT: Good morning.

24 MR. DUDLEY: Certainly this site visit has been attempting
25 to assure that the gains that have been made in medical and mental

1 health have been sustained and that any problems that were
2 identified were addressed. And so just like with any other of the
3 site visits so that -- I think you may have remembered there were
4 some concerns about the med pass, the medication pass, those have
5 been addressed during this site visit.

6 There were some concerns about needing to make adjustments
7 in the -- in the logging process by which we track compliance with
8 the settlement that things are being done in a timely way and in
9 an appropriate way. We finally identified some glitches in that
10 log process that have been addressed, and now we have more
11 accurate reflection of what's actually being done. So the efforts
12 that have been made in medical and mental health have not only
13 been sustained during this site visit, but some small problems
14 have been addressed so that we can have even a better handle on
15 what's going on in the area of medical and mental health.

16 So the big focus of this visit was on the proposed mental
17 health unit and what work would need to be done as things move
18 forward with regard to the opening of the proposed mental health
19 unit. The -- and its, of course, much more than just the
20 renovation of the physical space in C that would be used for a
21 mental health or behavioral health unit. And so the -- there's
22 several areas that we focused on that I think will need to be
23 attended to over these next months.

24 One is the broader issue of making sure that everyone's on
25 the same page with regard to what is a mental health unit? What

1 is a behavioral health unit? That it's not simply a unit where
2 you put everybody who has mental health problems, that there's
3 supposed to be something going on there that is an intervention
4 that will either prepare people to move into general population
5 and/or prepare them when they're released to continue to
6 participate in mental health treatment in an attempt to undercut
7 the revolving door of people who have these mental health problems
8 and to appreciate the advantages that such a unit has as it
9 relates to safety within the facility as well as in the community.

10 The second area is that of developing a pro -- a clinical
11 program for that unit. That's something we've been working on.
12 There needs to be a menu of services that we're attempting to
13 develop. The staff have been working on the development of
14 various sorts of interventions, groups specifically, and discharge
15 planning and education groups. They're beginning to try some of
16 those groups on existing clients at the facility, and they're
17 working to improve the quality of those groups that by the time
18 the unit would be open, there would be a menu of services that
19 would be appropriate for a mental health unit.

20 The third area is, of course, the identification and
21 training of security staff who have -- who might have a particular
22 interest and/or affinity in working in such a unit and providing
23 them with the increased training that they need to do so. On
24 these sorts of units, the security staff are an integral part of
25 what happens on the unit, and are, in fact, considered part of the

1 treatment team. And so you're really looking at a special core of
2 security staff to work in such a unit.

3 The other issue is making adjustments in policies and
4 procedures that will effect what happens on the unit, particularly
5 since individuals who, for example, have not been compliant or
6 refuse treatment who are now being held in segregation someplace
7 because they've been difficult to manage will be managed on this
8 unit in a different sort of way. And so how are policies and
9 procedures adjusted to address the needs of that population?

10 And, finally, there will be the issue of some increase in
11 the mental health staff to be able to staff this unit while still
12 assuming the other responsibilities of the mental health staff,
13 not only for people who are housed in general population who are
14 on the mental health caseload, but those on suicide watch, you
15 know, all the other mental health activities that are going on.

16 And so that was really the big focus on this visit is
17 talking to the different players and trying to have everybody on
18 the same page about what it is we're trying to do, and what, in
19 reality, that will entail and how much energy's required to get to
20 that point where you're even ready to open and program for mental
21 health.

22 THE COURT: Let me ask you, do we know the number of
23 individuals who would qualify for mental health services and/or
24 treatment that are being housed down there?

25 MR. DUDLEY: Well, at present the mental health caseload

1 hovers between 30 and 35 percent of the overall population of the
2 facility, and so those are people on the mental health caseload.
3 Many of those are stable enough that they can be housed in general
4 population. So the people that would be on the mental health unit
5 would be those who haven't gotten to that point yet. It would be
6 presumed that some of these would be new people who, once
7 stabilized, could then move to general population.

8 But, of course, it's going to include some people who even
9 complying with medication will not be stable enough to function in
10 general population because of the chronicity and the severity of
11 their underlying mental illness. And it would also include many
12 of those who are intellectually disabled, and therefore likely to
13 be victimized in a general population unit may remain on that
14 unit.

15 THE COURT: So out of 400 inmates, approximately 100 or so
16 might be -- 120 or so?

17 MR. DUDLEY: It's about -- it hovers between 130 and 140.

18 THE COURT: Okay. And do we know what of that number -- I
19 assume there are some people who are severely mentally ill who
20 might be awaiting a bed at Whitfield to have their competency
21 restored, I presume?

22 MR. DUDLEY: That's true.

23 THE COURT: Do we know what that number is?

24 MR. DUDLEY: We don't, or I don't.

25 THE COURT: Okay. Do we -- because one of the questions

1 that I'll ask the County is how long some of these people have
2 been there.

3 MR. DUDLEY: Right.

4 THE COURT: And, you know, obviously, that is not an
5 appropriate place for people to be for an extended period of time
6 if they are indeed suffering from severe mental illness. And it
7 is a subject that came up in a trial that I had the middle of last
8 year.

9 MR. DUDLEY: Well, I will say even in the absence of
10 knowing which specific people are being held for competency
11 assessments at the state facility, that the length of stay for
12 those who would fall under the seriously mentally ill category is
13 eight, nine, ten times that for everybody else who goes in and out
14 of Hinds County.

15 THE COURT: No. No. No. I guess my question is, is
16 there anyone in Hinds County who is awaiting? Because as I
17 understand the process, people who contend that they -- that
18 they're incompetent to stand trial can have their competency
19 restored. But I think state law only requires that -- or only
20 allows the restoration process to be at Whitfield, which has a
21 number of -- a limited number of beds, and I think Whitfield is
22 the only place where they allow for that to occur.

23 But Hinds County being the largest county in the state, I
24 would imagine -- I mean, you know, and I think Whitfield only has
25 a limited -- a really limited -- when I say a limited number of

1 beds, I'm talking about probably less than 20 beds for the entire
2 state of Mississippi, which has 82 counties, and Hinds County
3 being more than twice the population of the next county in
4 population. So do we -- what I'm trying to get at is, do we know
5 what number of individuals are languishing there in Hinds County?

6 MR. DUDLEY: I guess what I'm saying is that the -- that
7 the mental health staff know -- you know, I know who that
8 particular person is, who that particular person is. But they are
9 not given the information that would allow them to say of our
10 total population, the number is X.

11 So they know from working with some of the individuals
12 that's the position that they're in. But they don't get the
13 orders for competency assessments, so that they can give you a
14 specific, exact tally of how many people are on the caseload --
15 the mental health staff --

16 THE COURT: I mean, but that information is easily
17 obtainable. I mean, the sheriff would have that information I
18 presume.

19 MR. DUDLEY: And there's also the program that's going on
20 there for -- to attempt to restore some at the facility, a
21 competency restoration program at the facility as well.

22 THE COURT: Oh, there is a competency restoration?

23 MS. SIMPSON: I'm sorry, Your Honor. I wanted to add it
24 seems like it should be a simple task, but I've actually tried to
25 do that and it has not proven to be very simple. In my last site

1 visit, Lieutenant George had gathered the court orders related to
2 everybody who was in the jail that was somewhere in the process
3 and was going through those orders. They don't get all the
4 information they need to know exactly where they are in the
5 process and they don't always -- and the orders aren't always real
6 clear.

7 So some are ordered to competency evaluations, but they
8 don't necessarily have to be at the hospital. Some, the outside
9 eval happens and the evaluator determines that there needs to be a
10 transfer to the hospital to have a complete evaluation. Sometimes
11 they go to the hospital for the evaluation, they come back, but
12 the jail staff doesn't really know what it's waiting for at that
13 point. Typically, it's waiting for the attorney to then request a
14 court hearing.

15 Sometimes they go to the hospital; they're found to be
16 restored. They come back, and the jail staff don't know why
17 they're still there. In some instances, the attorney has made
18 another motion, because they've decompensated. So it is pretty
19 difficult for the jail to know exactly why people who are in this
20 process are stuck in the jail.

21 But I believe when Lieutenant George accumulated the
22 orders, I believe there were about 60 that were somewhere in that
23 process, and they were in the jail. But exactly where in that
24 process they were, it would be hard for the jail to know, and
25 because we're looking at the jail records, it's hard for us to

1 know where in that process they are.

2 And it's true they have the restoration program at the
3 jail, but I believe, as you mentioned, that's been found to be not
4 lawful to do restoration outside the hospital. So I'm not quite
5 sure where that program is at this point, if it's still existing
6 or if that is being challenged.

7 So I don't know if that's helpful, but as I said, I think
8 there's about 60. But exactly who's waiting for a bed and who's
9 waiting for further court proceedings is a little unclear and hard
10 for the jail to know.

11 That's right. And as Dr. Dudley was just reminding me,
12 neither QCHC or the jail gets any reporting back from the
13 hospital, so they don't actually know what the hospital
14 determined, whether they've been found to be competent or
15 incompetent or restorable or not restorable. And from a treatment
16 perspective, it's also challenging, because in some instances, the
17 hospital will change the medication regimen. Maybe that's why
18 they've been found restorable. But they come back to the jail
19 without that information, and so the medical provider at the jail
20 does not know how the medication has been changed and only knows
21 to perhaps go back to the old regimen that apparently was found to
22 be not working. So there's a treatment component problem to this
23 whole process as well.

24 THE COURT: Yeah. But it seems like the initial problem,
25 though, is notice and who knows what. So we know that for every

1 defendant where there's an issue with respect to his or her
2 competency, and in these situations its all males I guess because
3 we're dealing with only RDC and only house male inmates. If
4 there's a question with respect to the person's competency or
5 whether it needs to be restored, there will be a court order or
6 should be a court order finding that the person is mentally either
7 incompetent to stand trial or a court order that says that he's
8 mentally incompetent. And there will be an order that would
9 direct a person to go to a facility to have his competency
10 restored.

11 Now, the one person who has access to all that information
12 is the district attorney, because he's representing the state of
13 Mississippi on each of those cases. And I don't see the district
14 attorney here. And I was going to ask that question, with respect
15 to whether or not any representative from that office is here.

16 But it seems to me that at least at a minimum, they have
17 all the information, because the state is seeking to prosecute the
18 person. The state receives the order just like the counsel for
19 that defendant receives the order. Counsel for the defendant --
20 no one person is representing all these people. There is one
21 person, however, who's representing the state of Mississippi in
22 Hinds County, and that is the district attorney.

23 MS. SIMPSON: That's correct, Your Honor. And this would
24 actually be an ideal issue for the Criminal Justice Coordinating
25 Committee. Any time you have an issue like that where it sort of

1 involves more than one stakeholder, so the jail, the public
2 defender, and the DA, it's good for them to come to the table.
3 The Criminal Justice Coordinating Counsel provides that venue. I
4 think probably some kind of tracking process across those entities
5 would help understand where people are getting snagged up in the
6 system.

7 THE COURT: Right. I mean, I imagine that they're -- and
8 because we're going to -- I imagine we're going to mention it at
9 some point in time, because there is a point in the reports and
10 even this -- the order that I entered that alludes to at least how
11 long people are staying there in Hinds County.

12 So, obviously, there has to be a conversation between the
13 district attorney's office and the sheriff's office, because the
14 sheriff, again, has the obligation to hold these people and make
15 sure that they are available for their next court appearance. And
16 they need to be available when the district attorney's office says
17 he or she is next up. So it seems to me that there needs to be --
18 it could work through the Criminal Justice Coordinating Committee
19 or whatever. Devise some way for that to be tracked or whatever.
20 But that should already exist between the district attorney's
21 office and the sheriff department. And I'm hearing it does not
22 exist, and that's sad.

23 MS. SIMPSON: That's correct, Your Honor.

24 THE COURT: Okay. Anything further, Dr. Dudley?

25 MR. DUDLEY: Just that there are women as well.

1 THE COURT: Oh, there are?

2 MR. DUDLEY: Correct.

3 THE COURT: Where are they being -- oh, they're at the
4 Jackson -- they're at JDC.

5 MR. DUDLEY: Yeah.

6 THE COURT: They're at JDC. Thank you.

7 MR. DUDLEY: But, I mean, there's --

8 THE COURT: That's the only place they are, right?
9 They're not at Raymond --

10 MR. DUDLEY: No, that's correct.

11 THE COURT: -- or even the workers center, right?

12 MR. DUDLEY: No. But, I mean, with the mental health.

13 THE COURT: With the mental health, right. Right, they're
14 at JDC, though. Is that where they're being housed, too, even --

15 MR. DUDLEY: But also for long periods of time.

16 THE COURT: Right. Right, for long periods of time.

17 Thank you. Thank you for that reminder. Yeah. All right. Yes,
18 sir. Thank you.

19 We're going to take a break after this one, Candice.

20 MR. MOSER: Good morning, Your Honor.

21 THE COURT: Good morning.

22 MR. MOSER: I'm Jim Moser, and I'm working with the
23 youthful offenders who are at Henley-Young, the youth under 18
24 charged as adults. And I'll just start by saying in February, I
25 believe, marks the two-year anniversary of the last youth leaving

1 Raymond. There have been no youthful offenders at Raymond or
2 Jackson now for two years, so that's a significant issue and, of
3 course, was one of the significant concerns as this agreement got
4 underway.

5 I'll start with focusing on leadership issues and three
6 positions in particular that are of concern for being in a state
7 of flux. As you heard Ms. Simpson talk about the need for a
8 treatment director to work with the mental health -- other mental
9 health staff, help guide that program, help put together a program
10 that really meets the needs of youth, not just a number of
11 disconnected activities. There are good staff -- other good staff
12 on board. The pieces of the puzzle in some ways are there, but
13 there's nobody there to kind of put the puzzle together and
14 provide that kind of guidance both from a clinical point of view
15 and also from a leadership in terms of how you put together a good
16 overall mental health program for youth. That position, as
17 Ms. Simpson alluded to, needs to be finally posted and hopefully
18 someone on board fairly soon.

19 As you also know, there is no current executive director.
20 It's my understanding that Judge McDaniels has stepped into his
21 prior role to some degree as an interim director, but that is
22 certainly not sustainable over time. And I, in talking with him,
23 understand there will be a process hopefully in place to hire an
24 executive director that can provide the kind of professional,
25 youth-oriented leadership that the facility needs for the long run

1 as well.

2 THE COURT: Everything that I had been hearing, though,
3 over the last 12 months was that Henley-Young was going rather
4 smoothly, and that they were in compliance with the other consent
5 decree and everything was going along pretty good. So -- and they
6 had an executive director in place. What -- I mean, I had been
7 hearing that everything was going fine. Is that not the case?

8 MR. MOSER: I think that would be a somewhat rosier
9 picture than I would paint. In terms of really getting to full
10 compliance or getting to compliance with many of the conditions of
11 our agreement, and also really fully complying with some of the
12 issues in the Southern Poverty Law Center agreement, there's still
13 work -- there's still significant work to be done.

14 In terms of safety concerns, general -- general
15 supervision of youth, things like that, I would say things are
16 going pretty well from an operational point of view. But to
17 really get to where they need to be in terms of providing the most
18 successful treatment for kids, the best education for kids,
19 there's a lot of work to be done, and that kind of leadership is
20 going to be significantly important.

21 I also talked with Judge McDaniels yesterday in his sort
22 of interim role a little bit about bringing on board a program
23 director. They have formerly previously have had what they've
24 called a recreation director who has focused a lot on getting the
25 kids outside, general physical activities, really need to get

1 someone on board who can put together a successful and more
2 comprehensive set of activities for kids, not just going out and
3 playing basketball. Not just getting outside for some fresh air,
4 but filling up -- filling up the time of the day with pretty
5 constructive activities.

6 And as you note in the stipulated order, it's pretty
7 significant expectations around filling up the days for youth, so
8 that they're in productive activities. Recognizing there is a
9 chance for some free time as well.

10 THE COURT: Let me ask you this, Mr. Moser. So how -- you
11 know, this Court's primary focus, I think, is on RDC, --

12 MR. MOSER: Sure.

13 THE COURT: -- the worker center, and JDC, with some hint
14 at Henley-Young with respect to what the sort of educational
15 component is.

16 But Henley-Young, is it still under the existing case
17 before Judge Jordan? Is it -- is he receiving monitor reports and
18 stuff like I am receiving for these.

19 MR. MOSER: They are still being monitored. I don't -- I
20 frankly don't know the judge.

21 THE COURT: I mean, the other judge, is he receiving --

22 MR. MOSER: The SPLC agreement, that is still operating.
23 As far as my understanding, he's still receiving updates and
24 reports.

25 THE COURT: And I assume --

1 MR. MOSER: They have a monitor who has been coming.

2 THE COURT: Right. And I assume there has been no motion
3 for contempt or anything or that judge has not -- I don't know --
4 I don't know what he does with respect to overseeing --

5 MR. MOSER: Sure.

6 THE COURT: -- that facility. But getting to the nuts and
7 bolts of the activities there, the personnel issues, if any, and
8 all of that, those issues are addressed to Judge Jordan with
9 respect to the -- the judge who is overseeing that specific
10 agreement between the SPLC, if you will, and Hinds County; is
11 that --

12 MR. MOSER: I -- I honestly can't speak to that as much,
13 Your Honor. I know that -- I know that they have recently --
14 there has been another amended agreement that they have that also
15 places some deadlines for them around programming that is similar
16 to what we've got in our agreement. We've also made some
17 additional requirements around space.

18 MS. SIMPSON: Sorry, Your Honor. I'm always sort of
19 jumping in but --

20 THE COURT: No. No. That's fine.

21 MS. SIMPSON: The -- I think one significant difference
22 between the two is that the SPLC litigation focused on juveniles
23 who were there as juveniles, and so it was anticipated to be a
24 very short period of time. So if you look in their agreement
25 about the required activities, it's things like games, cards,

1 hobbies, arts and crafts.

2 The JCAs, the juveniles charged as adults, tend to be
3 there for a long period of time. In fact, I think the longest now
4 is 800 and some days. And so when you have a juvenile that's
5 going to be incarcerated for that long a period of time, the
6 education and the programming requirements really are fairly
7 different and need to be more extensive.

8 So there's the education component; they basically need to
9 be going to school there. And the treatment component; their
10 mental health needs and psychosocial needs need to be addressed.
11 So -- so that is picked up in the settlement agreement in this
12 case as opposed to the SPLC litigation.

13 Some of the facility stuff overlaps, that sort of thing,
14 but I would say it's really the education and treatment component
15 that's needed for these longer-term inmates that are part of our
16 litigation.

17 THE COURT: So is there -- based on -- and I'll ask
18 Mr. Moser. But based on your review, then, you said there are
19 some things that are not -- I mean, for those kids who have been
20 there for more than 300 days, for example, who are high school age
21 or middle school age even -- because I think Mississippi allows
22 people to be prosecuted as adults as early as 13 or 14 -- are they
23 receiving their required education?

24 MR. MOSER: What I have -- what I have indicated in the
25 past and we'll just kind of affirm in prior reports talking about

1 they've made what I would consider incremental progress in the
2 education program in terms of going from originally those youth --
3 not even all those youth were attending school regularly, they've
4 expanded so that all youth are going to school, which is great.
5 They've increased some capacity in terms of software and tools and
6 teaching the youth.

7 I have concerns and spent more time this time focusing on
8 the education program, although I'm not an education expert. But
9 our kids in school -- and we found as a result of an incident over
10 the weekend, through the week only half the kids were -- the kids
11 were only in school half days instead of a full day for safety
12 reasons. Part of that is the result of the structure of the
13 school is so compact that it's very difficult to bring kids in the
14 same area that are essentially ready to fight again.

15 I think in terms of the overall quality of education, I
16 have concerns that I believe the kids that are coming in,
17 especially, again, for long term, really need to get an
18 accelerated program. And I would argue -- I would probably
19 suggest that what they have is a pretty basic program that really
20 does not meet their educational needs.

21 Are they -- is there a program there? Are there classes
22 there? Are there teachers there? Yes. Is it what I consider
23 adequate or appropriate given their needs? No.

24 And they have some recommendations from an education
25 expert through the other agreement that are very sound and can

1 help provide guidance for them as they, I think, look towards
2 improving or finding other ways to elevate the nature of
3 education.

4 Kids are earning credit. Kids are attending. They're
5 getting grades. They have a process in place for getting
6 information from their prior school. If there are exceptional
7 education needs, getting those individualized education plans,
8 trying to support that. Those are all things that have developed
9 over time, but there's a long way to go.

10 THE COURT: Now, like the people who are being housed in
11 the other facilities, these are individuals who are waiting on a
12 trial? These are individuals who are waiting to be tried?

13 MR. MOSER: Yes.

14 THE COURT: They've been arrested, in all likelihood, and
15 I guess -- I guess indicted or either they've had a youth court
16 proceeding that transfers them over there and still have to wait
17 for their trial. These are pretrial people, right?

18 MR. MOSER: Its pretrial, and in many cases, pre
19 indictment. There have been youth there as well who have been
20 there long periods of time and not been indicted. Several hundred
21 days, for example.

22 THE COURT: Right. Right, several hundred days.

23 MR. MOSER: Right. Without being indicted, correct.

24 Now -- now, I would just add to that to address some of
25 that concern, Judge McDaniels has worked out some process to -- I

1 forget the exact title now. It's sort of a youth docket where
2 he's able to hear some of those cases and sort of push the system
3 along, look at bail or bond issues, possibly return some kids to
4 youth court.

5 That process is getting -- has hooked up with a
6 psychologist, which I think is very positive to get an evaluation
7 on youth. So he gets full information about -- about that youth
8 and can make a decision on is there an opportunity for the youth
9 to go back to youth court and process through that way or not.
10 That process is -- it's not just beginning, but its in its early
11 stages, so there are some youth who have been able to be released
12 around Christmas.

13 THE COURT: I think they start -- I think if they don't --
14 well, maybe somebody will speak to it. The youth starts out in
15 the youth court process, and then he's -- once certified, right?

16 MR. MOSER: Well, Judge McDaniels or someone else would be
17 better than I to explain how it works.

18 THE COURT: Somebody needs to explain that to me.

19 MR. MOSER: You have -- some of the managed youth are not
20 yet indicted, and so where do they belong technically really? You
21 know, I don't -- I mean, that's -- I'll let someone else answer
22 the legal aspects of that.

23 THE COURT: Thank you.

24 MR. MOSER: All I would say is there has been Judge
25 McDaniels and I think through the other supportive courts have

1 taken some steps to try and address this issue of kids lingering
2 without indictments, kids lingering without trial, and decreasing
3 the population.

4 THE COURT: My thought was even -- you know, one only gets
5 into the adult system if the youth court certifies that person
6 deserves to be over there, or if the DA certifies that the person
7 should be certified as an adult, I mean.

8 MR. MOSER: Well, there are many -- and I, again, someone
9 else would be better on the Mississippi law, but there are many
10 offenses for which youth can be directly charged as adults. I
11 think at age 15 I think is the earliest. I think at 15 with
12 certain offenses, they can be charged as adults, and they are
13 arrested and brought in as adults and start through that process.

14 THE COURT: Okay.

15 MR. MOSER: And without having been waived forward from
16 the youth court based as a result of the charges.

17 THE COURT: But even charged as an adult, once they're
18 charged as an adult, they have the right to be tried as an adult.

19 MR. MOSER: Yep.

20 THE COURT: In a speedy manner.

21 MR. MOSER: That's correct.

22 THE COURT: And you're telling me 800 days?

23 MR. MOSER: Correct. That youth was about this tall when
24 I first started. He's now a six-foot youth, so that kind of
25 leading to what Ms. Simpson was alluding to. Many of the concerns

1 that we have are around that length of stay and the need for the
2 significantly more robust treatment and education planning that
3 had typically been the case.

4 Now, to their credit, Henley-Young staff has worked hard
5 to try to accommodate those things, but without the leadership of
6 a treatment director, a good program director, and now not an
7 executive director, sort of treading water, again, to try and
8 hopefully come back and catch up on some of that stuff. And as
9 you know from the stipulated order, there are some specific
10 timelines to move some of this -- these things forward.

11 And, again, I would just allude to a -- there is a
12 difference between a series of activities that are done with youth
13 and different groups. And -- but they're not -- they're not
14 coordinated. They're not all moving towards the similar treatment
15 goals, the kind of thing you really would organize in a
16 longer-term program.

17 So there's a lot of work to be done. That said, you know,
18 it's again -- it's certainly an improvement over where they had
19 been, and there are some good relationships going on. I had the
20 opportunity to sit in on treatment teams with five youth the other
21 day, and clearly pretty positive relationships between the
22 clinicians and their case managers, good interaction, the youth
23 could articulate to some degree the kinds of -- what they're
24 working on in terms of -- in terms of overall -- things like anger
25 management. So there are some positive things going on, but it

1 really needs to -- it really needs to improve, Your Honor.

2 The staff turnover is an issue. In talking with the
3 training officer or training director right now, interim, was my
4 understanding. She said she's trained 20 new line staff in the
5 last -- since October. That's a significant percentage of their
6 overall staff. I think Mr. Burnside told me they had currently
7 nine vacancies, and whenever I go, they have somewhere between
8 five and a dozen vacancies. So they are constantly turning staff
9 over, constantly training new staff. That complicates everything
10 from sort of the day-to-day operations and the quality of
11 interaction with kids as well as the ability to move them along in
12 their training, so they become increasingly adept and professional
13 in how they interact with youth.

14 Many of the things that you want to work on with youth
15 have to be reinforced from everything from the line staff all the
16 way up to the treatment staff, so that what they're learning in
17 treatment groups and discussing with their clinician is reinforced
18 on a day-to-day basis by the staff on duty. That requires them to
19 be -- to sort of elevate their ability to reinforce that behavior
20 and say the right things at the right time. So it makes that kind
21 of ongoing or advanced training particularly difficult.

22 I believe the board of supervisors at their last meeting
23 waived the residency requirement for recruitment for staffing at
24 the jail and Henley-Young as well, so that there's hopefully a
25 broader pool that can be drawn from. That's a positive. It

1 wasn't -- I had never heard there was one. Obviously, that's a
2 limiting factor on who they can recruit if it requires people to
3 move into the county within six months or already be a resident.
4 There may be people outside of the county who are willing to apply
5 but not with that requirement.

6 You will also see in my report, and I think paralleled
7 somewhat in the SPLC agreement, issues around program space,
8 recreation space. Because of the rain the prior week, the cold
9 weather this week, the youth have not been outside for recreation
10 now for essentially two weeks. The only space they have for
11 recreation is a multipurpose room that -- and when you ask them
12 what they're doing in there, by and large, they are playing video
13 games, some other activities. There are some exercise equipment
14 there. But for youth to be confined, again, for long periods of
15 time and not have access to being outside and large muscle
16 activity is a significant problem, and hopefully that can be
17 addressed.

18 And I'll also continue to recommend improvements in the
19 housing units themselves to improve the cleanliness, to improve
20 the -- to reduce the sound levels, to improve the environment in
21 which they live, because youth are particularly reactive to their
22 surroundings. And so as sound goes up, their emotion goes up.
23 Their behavior gets worse. And there is a lot that can be done
24 with physical environment changes that can help with overall
25 behavior management. I think that's all I have.

1 THE COURT: Thank you, Mr. Moser.

2 We're going to take a ten-minute recess for our court
3 reporter and for you all, too. We're going to be in recess and
4 return in ten minutes.

5 MS. SUMMERS: All rise.

6 (A brief recess was taken.)

7 MS. SUMMERS: All rise.

8 THE COURT: You may be seated.

9 All right. I've heard from the monitors. I guess I'll
10 turn back to the United States. Is there any response to
11 anything?

12 MR. CHENG: Just one --

13 THE COURT: Make sure you're speaking into the microphone.

14 MR. CHENG: Yes, Your Honor, just one matter.

15 THE COURT: Make sure it's on.

16 MR. CHENG: Thank you. It's the technology that always
17 throws me, Your Honor. I would mention one thing. I think the
18 monitor did talk about having a qualified contractor handle
19 renovations, and the contractor should be under the supervision of
20 an architect. I wasn't quite clear if that point had been
21 properly explained in court. There is no actual architect
22 overseeing the renovations right now, and I did want to mention
23 that as part of a broader theme.

24 One of our concerns is that as we go through the
25 stipulated order and the settlement agreement, people look at

1 these things as less. They identify a bunch of things they have
2 to do. But as a foundational issue, there has to be adequate
3 leadership. Right now there is no leader at Henley-Young. There
4 is no program director. There is a little bit of concern about
5 who's going to be the next warden and running the jail, and there
6 is no architect overseeing the renovations.

7 Now, I realize that under the stipulated order and under
8 the settlement, the defendants have some time to get these people
9 in place. But I did want to make clear that the United States
10 considers it to be very important to have these positions filled
11 as soon as possible.

12 We know there are new defendants in place. There are new
13 board members. There is a new sheriff. When they come in, they
14 have the right to appoint their own teams. But sometimes in the
15 leadership transition, a lot of decks are cleared. People are
16 moved around, and that can actually impede the implementation of
17 the settlement agreement. So we do want to flag that as a
18 potential issue. We're not saying it's a problem yet, but these
19 issues do need to be addressed with the leadership.

20 THE COURT: Okay. Thank you, Mr. Cheng. The only new
21 defendant is the sheriff. The Hinds County Board of Supervisors
22 has always been a defendant. Now, the context of the board itself
23 might have sort of shifted and all, but it's the board. So
24 there's only one board of supervisors.

25 Now, as I appreciate it based on what the receiver has

1 said, the County is obligated to hire a pretrial services person;
2 a compliance coordinator; to contract with -- or however they seek
3 to do it -- a quality security contractor; a consultant to do the
4 master plan; for Henley-Young, an LCSW or a psychologist who can
5 put together a treatment program or something. And those are what
6 I would describe as new positions or new obligations. New as in
7 those people are not on board yet and have never been on board. I
8 may be wrong. I mean, I'm going to hear from the County in a
9 minute.

10 And right now, we have the director of Henley-Young
11 vacant. For all intents and purposes, the warden at RDC is not
12 technically vacant, but there's going to be a posting for a person
13 who can fulfill the duties or meet specified qualifications that
14 the parties have agreed to.

15 At Henley-Young -- well, I may have mentioned the LCSW
16 that would be -- is that the treatment director? That's the
17 treatment director?

18 MR. CHENG: Yes, Your Honor.

19 THE COURT: But then at Henley-Young, there's also a need
20 for a program director, which is different from the executive
21 director and different from the treatment director?

22 MR. CHENG: The program/treatment director can be the same
23 person. It's a --

24 THE COURT: I'm hearing -- I'm seeing that the monitor is
25 telling me those are three different positions at Henley-Young:

1 The director of the facility itself, the -- what he calls the
2 executive director, a treatment director that would be served by a
3 person who's a licensed certified social worker and/or
4 psychologist, and a program director. And Mr. Moser is shaking
5 his head again.

6 MR. MOSER: That's correct. There has historically been a
7 recreation -- what they called a recreation director focusing
8 primarily on playing basketball.

9 THE COURT: Okay. All right.

10 MR. MOSER: Program-wise there's a whole range of other
11 kinds of youth-oriented productive activities that could be done
12 and worked in the schedule, work with other staff. So for the
13 treatment director focusing on the mental health aspects, that
14 person focusing on everything from how do we get kids learning
15 about nutrition and exercise and all of a range of other kinds of
16 activities that can be provided to kids to fill -- to work with
17 their time.

18 MR. CHENG: Your Honor, I understand, I think, what
19 Mr. Moser is saying. There is the recreation director, but for
20 the purposes of the stipulated order, we're only talking about one
21 position, which is the clinical social worker or psychologist to
22 serve as a treatment director or coordinator, so I should probably
23 be more specific about the terminology. The treatment coordinator
24 is covered by the stipulated order. There are some other
25 positions that handle programs at Henley-Young.

1 THE COURT: Okay. I turn now to the County.

2 MS. PRINCE: Your Honor, Scherrie Prince on behalf of
3 Hinds County. At this time, I would like for Judge Johnny
4 McDaniels to address the Court as it relates to Henley-Young.
5 He's actually expected to be in another courtroom after -- after
6 this hearing. So if it pleases the Court, could he come and
7 answer some of your questions about Henley-Young?

8 THE COURT: Okay. All right. Ms. Prince, you need to
9 slow down when you speak, but go ahead.

10 MR. MCDANIELS: Good morning, Your Honor.

11 THE COURT: Good morning, Judge. How are you doing?

12 MR. MCDANIELS: Doing fine. Actually, Judge, I have to
13 start court proceedings in my court and I adjusted that --

14 THE COURT: Whenever you get there, it's on time, though,
15 right?

16 MR. MCDANIELS: Absolutely. That's the benefit of being a
17 "Your Honor." I learned that from you, Judge.

18 THE COURT: No. No. No. That's why I'm always on time.

19 All right. Mr. McDaniels.

20 MR. MCDANIELS: Thank you. Johnny McDaniels, Your Honor,
21 Hinds County Youth Court Judge, County Court Judge, here in my
22 capacity also as the interim director of the Henley-Young Juvenile
23 Justice Center. That's a decision that the Hinds County Board of
24 Supervisors decided to make at the beginning of this year when the
25 new board assumed their positions. And I'll start briefly by

1 saying, Your Honor, that the idea of the detention center being
2 under the jurisdiction of the youth court judge is not a new
3 concept in the state of Mississippi. I think, in fact, Hinds
4 County is the only county that operates it that way, but for the
5 benefits of the parties in this room, the board is very much aware
6 of the need to have a director at the facility, an official
7 director. And I think the advertisement has already began for the
8 purposes of identifying a director for the facility. So the
9 County is certainly moving forward with that being a major issue
10 that we have to address.

11 But, specifically, Your Honor, as it relates to the issue
12 that you raised earlier in terms of the -- I guess for lack of a
13 better way of putting, it the two consent decrees. The one that
14 we've been under at the Henley-Young Juvenile Justice Center since
15 2012 under Judge Jordan and currently working with the Magistrate
16 Judge Ball on those matters.

17 Of course, Judge Ball recently entered an order directing
18 the County to address certain issues by February the 4th, and the
19 County is putting forth their response to that order as it relates
20 to some of those issues that are in this particular order that
21 Your Honor has executed.

22 Specifically, Your Honor, the approach by the monitor, Ann
23 Nelson, in that group in the juveniles consent decree is more of a
24 need-analysis approach. The position that Southern Poverty kind
25 of carved out, which was a new way of them addressing these

1 issues, was for their monitor to identify certain needs of the
2 facility. And once those needs are identified, the County then
3 has to develop an approach to how are you going to satisfy those
4 needs?

5 The issue of the mental health team has been an issue that
6 we have been working on with the help of the previous board
7 attorneys, the previous board of supervisors, and others for
8 several years now in terms of getting the mental health team up to
9 staff at Henley-Young. And we kind of built that team from the
10 bottom up, I guess, in a sense, and that we made a decision
11 several years ago to move case managers from the youth
12 detention -- from the youth court to the detention side and also
13 to retain two qualified mental health professionals with the hope
14 of having a psychologist at the top of that particular team.

15 In 2018, the County was able to identify and retain a
16 part-time clinical psychologist who was on board with the facility
17 for that purpose and was developing that program in such a way
18 that it could address the concerns that Mr. Moser has stated in
19 terms of the facility being able to have all of the parts working
20 together, the case managers, the qualified mental health
21 professional, and the psychologist at the top of that particular
22 approach.

23 As a result of some issues that I'm not totally aware of
24 during my absence from the facility, that clinical psychologist
25 was no longer there. But the position for the clinical

1 psychologist is still being currently advertised by the County.
2 It's still listed on our position analysis as a person we're
3 trying to identify and bring back on board.

4 In this particular environment in terms of identifying a
5 number of psychologists that may be available, that will be a
6 challenge. But as it relates to the two consent decrees and
7 what's required maintaining a clinical psychologist is something
8 that is recognized as a need by the consent decree under which the
9 facility operates.

10 Identifying a program director is a need that they've
11 identified. And when we talk about programming, Your Honor,
12 there's some dispute as to whether or not what's called
13 "programming" is the same thing within the context of what we do
14 with juveniles. There's programs at Henley-Young. Identifying
15 and bringing on a program coordinator would help us to capitalize
16 or to indoctrinate exactly what those programs are and how they
17 are fitted into that seven-to-nine structure for young people
18 within a detention center.

19 Your Honor, the most important piece of day programming
20 for any young person is, of course, school. Henley-Young has a
21 fully functioning school within the facility. As the youth court
22 judge, Jackson Public Schools has been identified as the
23 sponsoring school district for the facility for as long as the
24 facility has been there. We have social studies, science,
25 history, all of the core subjects are being taught. With the

1 exception of young people and some infractions that they may have
2 or some other security measures, they attend school on a regular
3 schedule from about 8:00 to 2:30. After the 2:30 period, then the
4 issue of what other types of programming do you have for them
5 throughout the week in the context of court appearances, in the
6 context of shift changes that have to occur, in the context of
7 spacing that's an issue at that facility.

8 The board of supervisors, again, has addressed that
9 through their response to Judge Ball's concern about programming
10 space, and the County will be able to further advise the Court on
11 what those specific objectives are in terms of expanding the use
12 of the facility that's there with covering of the outside area,
13 bringing in modulars for the campus itself, so that we can have
14 other -- other multipurpose space.

15 But, again, Your Honor, the issue as it relates to this
16 specific decree or this specific order that Your Honor has signed,
17 the requirement that the County advertise competitively for the
18 clinical psychologist position is something that we have been
19 addressing for the last two years and trying to make sure we can
20 identify and bring that person on board. The difference in this
21 is that we also, within this particular order, can look at the
22 option of a licensed clinical social worker.

23 I have not discussed it in detail with the -- Ms. Nelson,
24 the monitor in our consent decree with the youth court in terms of
25 making sure that we can maybe do that with a clinical psychologist

1 being as a part of that process. That's something I'll discuss
2 with her. But the need that they've identified for us
3 specifically in that decree is a clinical psychologist, and they
4 want to know what's our approach to get that done.

5 In reference to the programming director, again, it has
6 been identified as a need for the facility, and they've requested
7 that we identify an approach to get that done. We have, in fact,
8 as recently as this week changed the legal description for the
9 recreation person more from the idea of being involved with the
10 activities of large muscle exercise or involved in basketball or
11 those types of things to more of a programming director, again, so
12 that we can capture all the programs that Henley-Young is involved
13 in, identify other programs that can be offered, especially on the
14 weekend hours when kids are out of school and they're -- there's
15 more time.

16 So those two things are definitely being addressed, Your
17 Honor, in the context of what we've been doing with the juvenile
18 consent decree for the last six years. That provision -- that
19 consent decree, of course, had 86 provisions. We have reached
20 substantial or partial compliance in, I think, 83 of them, with
21 the three deficit ones being in the area of mental health. And
22 that's why I think it's important that I emphasize to this Court
23 that it's an issue that we've been aware of for several years.
24 It's an issue that the board has emphasized. They're committed to
25 making sure we get the resources that we need to further address.

1 And whether or not I can convince the previous clinical
2 psychologist to come back on board, we haven't had that discussion
3 yet. Whether or not we can identify any other clinical social
4 workers or psychologists who may be out there and available, it
5 will be advertised for that purpose, but we are clearly in a
6 position to move forward on those two issues.

7 The third thing that Mr. Moser represented, and I think
8 the Court asked specific questions about, how do young people
9 charged -- juveniles charged as adults end up in Henley-Young?

10 At the beginning of this project getting those juveniles
11 into Henley-Young, the decision was made that -- and I think all
12 of us agreed that it would be in the best interest of those
13 juveniles, the County, and everyone else, for those juveniles to
14 no longer be in Raymond. So in 2017, we made the decision to
15 begin housing them at Henley-Young.

16 As soon as they hit the door at Henley-Young, they became
17 subject to the consent decree that we were operating under with
18 the regular juveniles for lack of a better description. So the
19 issue about making sure they were properly educated, properly fed,
20 properly clothed, recreation became a part of that consent decree
21 just as if they were original parties. So we made sure that the
22 school addressed those issues in terms of identifying their
23 educational assessment when they came through the door, making
24 sure that we could make sure -- making sure that we knew what was
25 happening with them educationally, so that we could incorporate it

1 into the daily programming there.

2 And, again, Jackson Public Schools has its challenges
3 outside of the detention facility, so you can imagine they
4 translated into the detention facility. But there is an absolute
5 commitment to make sure those children are educated on a daily
6 basis, and they attend school.

7 I invite Your Honor to come down and walk through the
8 school we have there. It's a small school that could certainly
9 benefit from more spacing, but the teachers are committed to
10 trying to improve upon what we do there on a daily basis. We
11 could certainly use more space, and we could certainly use more
12 educational services. And those are discussions that we're going
13 to continue to have with JPS.

14 But juveniles charged as adults in terms of the criminal
15 side of this, of course, Your Honor, the way our statute is
16 written is that a juvenile as young as 13 who happens to use a
17 weapon as a part of any criminal offense can be charged by law
18 enforcement as an adult without the youth court being involved,
19 and that's how so many of them got into the criminal justice
20 system as adults.

21 Judge Green and I and the previous board attorneys and
22 others talked about that process almost two years ago and began to
23 try to formulate some type of response to that that we could do
24 from a court's perspective. And so we came up with the juveniles
25 charged as adults diversion docket, almost a reverse waiver. As

1 you mentioned earlier, it's real easy for me as a youth court
2 judge to waive a young person into adult court.

3 But the question became how do you get a person whose in
4 adult court back to youth court? So we came up with the juveniles
5 charged as adults diversion docket, brought Dr. Marion on board as
6 a clinical psychologist to do the assessment that we needed as a
7 part of that process. And I conduct hearings as frequently as
8 possible on those 18 youth for the purposes of making a
9 determination about which ones we may be able to put back into the
10 youth court.

11 And the ones that are going to remain in adult court, how
12 do we get them more quickly through the system, so that you won't
13 have a situation like the young person who has been there for
14 800-plus days awaiting trial. And that's a question, again, that
15 we've had to have with our district attorney who was a part of
16 this discussion about juveniles charged as adults. He's attended
17 hearings that we've held in the youth court about that diversion
18 docket and has shown a commitment to making sure that we correct
19 that system.

20 Your Honor, it's certainly not a swipe at anyone
21 previously, but we just did not have that type of commitment from
22 our district attorney's office in the past. And this is something
23 that we're excited about as a county that we can move forward on
24 addressing, at least from my perspective, 18 juveniles charged as
25 adults who are sitting in Henley-Young, some of them indicted,

1 some of them unindicted. And when we get into the discussions
2 about, Judge McDaniels, how are you going to bring a young person
3 who's 15, happened to use a weapon in the commission of a crime,
4 and state statute says you can't be moved back to youth court.
5 How are you going to do that?

6 THE COURT REPORTER: Slow down just a little bit.

7 MR. MCDANIELS: Thank you. Sorry.

8 How are you going to do that? And I emphasize to them,
9 well, if a young person has not been indicted, then I don't think
10 he's sufficiently charged with a crime to the extent that I can't
11 conduct, in my capacity as a youth court judge, the appropriate
12 status hearings to determine what should happen with that person
13 in the terms of pretrial release, in terms of being moved back to
14 the youth court, and all the other things that the youth court
15 statute provides that I can do for a young person charged as an
16 adult or not charge as an adult, but still remaining as a pretrial
17 detainee.

18 And, Your Honor, so that system, again, is something that
19 we looked at actually kicking into higher gear with the election
20 of the new district attorney, who has made a commitment to making
21 sure that his DAs are available for those court proceedings. I
22 have three of such hearings scheduled for this afternoon on three
23 of those young persons, and we're moving through that docket as
24 systematically as possible to make sure that we can address at
25 least the Court's concerns about juveniles charged as adults being

1 in detention for hundreds of days without indictment.

2 So I'll be happy to address any other questions the Court
3 may specifically have as it relates to those issues. But, Your
4 Honor, I don't want to leave the impression that the Henley-Young
5 Juvenile Justice Center was waiting on Your Honor's order to
6 address your concerns about the mental health team or about the
7 programming director. We're way ahead of the Court on making sure
8 that those issues are properly addressed.

9 THE COURT: Okay. So as interim director of Henley-Young,
10 when do you anticipate the process starting to find a full-time
11 director?

12 MR. MCDANIELS: Well, again, if I'm not mistaken, the
13 board is advertising for that position. They've been advertising
14 for that position. So, Your Honor, you know, the process is that,
15 you know, those resumes will come in, and the conversation that
16 I'll have with the board, with the board president and vice
17 president and others, is how that selection process is going to
18 move forward.

19 What I emphasized to Mr. Moser and to Mr. Cheng is that my
20 idea of that is that the director has to have the ability to
21 function independently of the Court and also of the County. As a
22 director having sat in that seat before, in order to be as
23 effective as possible, any plan that we put together as a Court
24 and as a board has to give that director that flexibility.

25 Again, that advertising process is going on now, and I

1 would anticipate within the next 30 to 60 days that the board and
2 I should be in a position to say this is how we're going to move
3 forward with the director, the official director of Henley-Young,
4 identifying a supervisor structure for that. Again, so that the
5 director can operate in a position of knowing that you're not
6 responsive to Judge McDaniels and I'm not going to try to run you
7 off if you don't agree with me, because my job is to make sure
8 that the children of the facility are served first and foremost.
9 And the daily operations of that facility certainly will require a
10 full-time director.

11 THE COURT: All right. Thank you, Judge McDaniels. I
12 have no other questions of you. You may be excused and go to your
13 normal duties.

14 MR. MCDANIELS: Thank you, Your Honor.

15 THE COURT: All right.

16 MS. PRINCE: Good morning, again. I'd also like to
17 recognize at this time, we did have another supervisor come in
18 since we've initially made introductions. Supervisor Vern Gavin,
19 he is District 4 Supervisor for Hinds County.

20 THE COURT: Okay. All right. Thank you.

21 MS. PRINCE: And, Your Honor, this is my first time before
22 you in this matter, but I would like for you to know I've been
23 with the County for eight years now. And while we have a new
24 board with new supervisors and positions that are rapidly being
25 filled, I would like for this Court to also know that the board of

1 supervisors has hit the ground running in terms of trying to meet
2 the needs of the consent decree and be in compliance. What I
3 would like to do this morning is go through, based on each of the
4 objectives in the stipulated order, some of the progress the board
5 has made since that time.

6 THE COURT: Well, let me just make sure that we're on the
7 same page. The parties have entered a stipulated order, like they
8 did with the consent decree. It was an agreement, and there's a
9 lot of mandatory language in this stipulated order. I was just
10 glossing over will convert, shall modify, shall install, shall
11 upgrade, shall repair, will be completed within four months, will
12 reinstall, shall complete, will retain, shall provide, will post,
13 shall develop.

14 Now, that was an agreement that the parties have reached
15 between themselves just like they did with the consent decree. It
16 was the language that the parties agreed to, the timeframe that
17 the parties agreed to. So with all that mandatory language, I
18 mean, it looks like the County is going to have to hire some
19 people, contract with others, and get some things done in the next
20 30 days.

21 MS. PRINCE: Your Honor, the board -- the complete board
22 is aware of that, also the administration, and what I would like
23 to do is outline some of the authority that's been given by the
24 board and resources set aside to accomplish some of these tasks.

25 THE COURT: I only say that, because I assume the last

1 board -- the configuration of the last board, there's -- I don't
2 see this as a new board.

3 MS. PRINCE: Yes, Your Honor.

4 THE COURT: This is one board of supervisors. It is one
5 sheriff's office, because the sheriff is sued in his official
6 capacity so it's the office. Everybody knew that coming into
7 the -- about this case about a year ago when I inherited it, and I
8 think my first status conference might have been in January of
9 2019. So everybody was aware of what I expected that their
10 obligations were, because it was the agreement that the parties
11 had -- that I inherited.

12 Now, I have a new agreement that has been devised or
13 drafted by the parties up under my watch. I will hear what you
14 have to say about what all the board has done, but there was a
15 motion for contempt that was filed because the parties -- the
16 United States has accused the defendants of having not complied by
17 that order.

18 And I mean just for the record, I think that motion for
19 contempt was filed back in June of 2019. The Court didn't hear it
20 and set it for hearing until six months later in December. So I'm
21 saying all that because I do expect that every -- everything that
22 the parties have agreed to -- because this is the language that
23 you all agreed to, and you presented it to me to put off the
24 hearing on contempt. So I'm looking at every word. I'm looking
25 at every promise. And, again, there's a lot of mandatory language

1 in here, and I'm expecting to hear that the parties are fulfilling
2 their respective obligations. So I'll hear from you, Ms. Prince.

3 MS. PRINCE: Thank you, Your Honor. I'd like to take it
4 point by point with some of the earlier deadlines addressing those
5 first. One of the first being that the County shall improve
6 recruitment and retention initiatives. I would like to point out
7 to the Court that this board held an emergency meeting on
8 January 15th, and as part of their effort to improve recruitment
9 and retention, they also --

10 THE COURT: Slow down just a little bit.

11 MS. PRINCE: Okay. This board met on January the 15th,
12 2020, and as part of their effort to improve retention and
13 recruitment initiatives, they authorized the use of security firms
14 to comply with the consent decree requirement. And in doing that,
15 what they basically did was give the sheriff some additional
16 options for staffing. It doesn't mean necessarily that those
17 people would actually be in direct supervision, but maybe have the
18 option for -- until they can actually be trained to go through the
19 process the other county staff goes through to assist in getting
20 our staffing numbers up.

21 So this is one of the initiatives that the board has
22 taken, and with the approval of the monitors and some review by
23 the Southern Poverty Law Center as it relates to Henley-Young,
24 that is one measure that was taken to increase the staffing issues
25 there.

1 The board also held a meeting on January the 21st where
2 they approved advertising for more detention officers, and in
3 doing that, they actually expanded the way that we do our
4 recruitment. I'm not sure if the Court is aware, but the sheriff
5 has a personnel department and the county has a personnel
6 department, and they work in conjunction. And what we have
7 recently done is combined our efforts and our resources, and we've
8 also expanded the way that we actually look for staff to -- to
9 look at sites like CareerBuilder, GlassDoor, WeLookForJobs,
10 Indeed, LinkedIn. We also use social media. We're using the
11 newspapers, the Jackson Advocate, the Clarion Ledger, and we also
12 do periodic press releases. So we're combining our efforts, and
13 we're being more intentional in the way that we actually look for
14 people to work at both facilities, Henley-Young and the other
15 three facilities. We also --

16 THE COURT: I presume you contacted the Mississippi
17 Department of Employment Security, for example. I mean, that's
18 what they are tasked with doing, helping the unemployed find
19 employment. I think it's still in place. I realize I've been out
20 of the market for 30 years now, but that seems like that used to
21 be a go-to place to at least get some information out at the cost
22 of the state and not necessarily at the cost of the County.

23 MS. PRINCE: And I don't want to speak for the personnel
24 department, but I do know that she's been thinking out of the box
25 in terms of trying to get us before traditional and nontraditional

1 means to get additional staff. We have also disbanded the
2 residency requirement with hopes that there's talent in the
3 Metro-Jackson area who would like to come to work in our
4 facilities.

5 THE COURT: When you say "expanded," what was the
6 limitation at first?

7 MS. PRINCE: The limitation at first was that you had to
8 be a Hinds County resident or have plans to move in Hinds County
9 within one year. And so at this point, there is no limitation.
10 If somebody who lives in Rankin County who does not intend to move
11 to Hinds County wants to come and work for us, they're able to do
12 that.

13 THE COURT: Can you live anywhere as long as -- I mean,
14 anywhere -- is it a three-county area, or is it anywhere?

15 MS. PRINCE: It's anywhere. It's unlimited.

16 THE COURT: You just need to be at work on time -- you
17 just need to be able to be at work on time no matter where you
18 live?

19 MS. PRINCE: Yes, Your Honor.

20 THE COURT: Okay.

21 MS. PRINCE: And also we'd like for this Court to also
22 note there has been some conversation about the rate of pay, and
23 Hinds County does realize that the rate of pay is currently not
24 comparable to other agencies in this area. So what this board has
25 committed to doing beginning with the next budget cycle and is

1 probably going to take about two or three budget cycles, but we're
2 putting in place a tiered program to increase that salary. So the
3 next two to three years, we will be comparable with Hinds County,
4 Copiah, Simpson County, and other salaries in the state, so that
5 we'll be more competitive. And hopefully that will help us, you
6 know, attract new talent and retain some of the talent that we do
7 have.

8 THE COURT: Hinds County is paying less than Copiah?

9 MS. PRINCE: Copiah was an example.

10 THE COURT: Okay. Okay. Hinds County may be paying less
11 than Rankin County, though?

12 MS. PRINCE: We are definitely paying less than Rankin and
13 Madison, but we will be comparable in a few years. So we're going
14 to start addressing that with this upcoming budget cycle. I think
15 the budget has to be set by September the 15th of each year, so
16 we'll incrementally start looking at raising that -- those wages
17 for potential employees.

18 THE COURT: And the budget that has to be set by 2000 -- I
19 mean, by September of this year would be the budget that begins in
20 October 2021?

21 MS. PRINCE: October 2020.

22 THE COURT: October 2020. Okay. All right.

23 MS. PRINCE: And some of the other activities that we're
24 working on to actually help increase retention, we sent out press
25 releases. We have also been a little bit more diverse in where we

1 place physical applications. We do recognize that everyone may
2 not have access to the internet, so there are strategic locations
3 all over the County where we have actually placed hard copy
4 applications. And we have made that announcement to local
5 television, radio, and print media announcing what some of those
6 locations are.

7 We are also working in conjunction with the sheriff's
8 department on a job fair. And hopefully that will be a big to do
9 where we actually really put it out there and promote it and have
10 people to come in and to apply on site, and we're still working
11 out those details.

12 Lastly, as it relates to retention, the County has digital
13 monitors that are located throughout the county. They're at the
14 jails. They're in county buildings. We're going to start posting
15 positions on those. So if you're waiting for the elevator or
16 you're waiting for court, and you see some of those monitors,
17 you'll be informed about those positions that are available.

18 And I think Judge McDaniels has touched on this briefly,
19 but we have a meeting coming up on February the 3rd. This board
20 meets twice a month, the first Monday and the third Monday of each
21 month. And our next meeting on February the 3rd, we have several
22 positions that we're going to advertise for and authorize funds
23 for. One of those is for the clinical social worker or
24 psychologist. In working with the sheriff's department, the board
25 of supervisors recognizes that it has to provide certain resources

1 for the sheriff to be successful, and so this board has committed
2 to doing that. So as I go through a lot of this, you'll see where
3 there have been several appropriations to make sure that we can
4 meet some of these directives.

5 Also, we have authorized the approval to fund and to
6 advertising for a consent decree compliant jail administrator and
7 working with the sheriff's department on that as well.
8 Advertising for all of these new positions will actually be done
9 through some of the resources that we spoke about initially.

10 Now, as it relates to a staffing plan, on the 15th of
11 January at the emergency meeting, that's when the County
12 officially moved to give jurisdiction of the youth court to Judge
13 McDaniels. But I would also like for this Court to know that he
14 does have -- even though there's not currently an executive
15 director, he does have a staff who has been there long term that
16 is the core team that he uses day to day.

17 And in the absence of an executive director, they have
18 actually split those duties, and there is nothing that has gone
19 undone. But we're going to go ahead and advertise for the
20 executive director's position, and they are accepting
21 applications.

22 I would like to note as well that Mr. McDaniels had
23 brought his operations manager, Mr. Eddie Burnside, who was here,
24 and I think he is -- he's left the courtroom. But Mr. Burnside
25 has been with the County for a number of years. He's been very

1 instrumental in helping Henley-Young get their policies and
2 procedures together, and he's been a true resource. And they are
3 committed to being a part of this process and actually being here
4 for these proceedings.

5 Next for the Court's consideration, there is a provision
6 in the stipulated order that talks about the installation of an
7 alarm system on the housing and unit fire doors. This matter is
8 anticipated to be on the board's agenda for March -- I'm sorry --
9 for February the 17th, 2020. Staff is currently exploring
10 specifications and trying to identify vendors for this. But this
11 is a matter that is on our radar, and it is a matter that the
12 board will be addressing. And at this time, we hope to identify a
13 contractor that has experience with corrections and jails, and
14 also an architect to oversee the installation of these fire doors
15 and other improvements at all the facilities.

16 THE COURT: Speaking of architects, I think the monitor
17 said that part of the -- I think part of the agreement says that
18 the County would contract with an architect to oversee all of
19 these architectural changes, some person with correctional
20 architectural experience. I think that's what I heard. I may be
21 wrong. But what has the County done to contract or hire the
22 architect and doing what it needs to do to have the architect on
23 board to supervise or to review all of these physical changes that
24 will be occurring?

25 MS. PRINCE: Well, the County has a regular relationship

1 with several architecture firms and engineering firms, but not
2 specifically in corrections. So the very first thing we've been
3 trying to do is rely on some of those existing relationships for
4 referrals and look for someone with this experience.

5 We may have to put out a request for qualifications to
6 actually find someone with the exact experience, because we do
7 have architects that we work with with other things. But they are
8 not qualified for the work that the consent decree requires. But
9 the authority is going to be there at the next meeting to do
10 whatever we need to do funding-wise to make this happen.

11 THE COURT: I mean, because you've got some stuff,
12 physically, that's going to have to be done probably no later than
13 four months. Probably sooner than that, you know, so by May 1st,
14 I guess it is, or May something, May 15th?

15 MS. PRINCE: Well, I know there has been an aggressive
16 effort by our maintenance staff, and also we have relied to some
17 degree on our public works staff with some of those relationships
18 from existing vendors. So we're hoping by the next meeting, we'll
19 have a plan in place, and hopefully someone pinpointed to take
20 this up, because we do realize we have projects that are going on
21 right now at the jail that do require that supervision.

22 THE COURT: Okay.

23 MS. PRINCE: The stipulated order requires several
24 modifications to doors in the facility. We have contracted with
25 CML, LLC. They are a contractor out of Texas, and I believe the

1 contractor has been blessed by the monitors. They are in the
2 process now of evaluating and getting that work done. And we're
3 going to make sure that the work is done in the order that
4 actually works with the staffing plan and the training for the
5 officers. We do realize there has to be a direct supervision
6 model, and we just want to make sure that based on how the jail is
7 going to be staffed once the renovations are completed that we
8 work in that order and work closely with the sheriff's department.

9 Slated also for our February the 3rd meeting, we're going
10 to retain the authority to fund and retain a consultant with
11 experience in master planning to facilitate the process of
12 long-term planning. Now, we're hoping to do this fairly soon, but
13 we also want to make sure that we work very closely with the
14 monitors. So hopefully after we get this authority at our
15 meeting -- at our next meeting, we will have something for the
16 Court at our next status conference once we're able to actually
17 work with the monitors and identify what that person needs to be
18 doing and get a job description that's sufficient for compliance
19 with the consent decree.

20 Another matter that the stipulated order addresses is the
21 need for safety and security repairs. There were several things
22 that were identified in the process of reviewing what was required
23 for the consent decree that we felt we needed to do additionally
24 to make sure that not only the detainees were safe, but also
25 staff. So the board, at its January 21st meeting, made several

1 authorizations for the Raymond Detention Center to start with.
2 One is the approval to purchase a 12-foot high and 1,987-foot
3 fence. Now, this fence would have razor wire enforcement. It is
4 a stand alone exterior and also it has a stand alone exterior
5 tilt-zoom IP camera, and so this is going to be placed around the
6 perimeter of the Raymond Detention Center. And this is already in
7 process in terms of the construction.

8 The board has also secured an x-ray machine. Now, the
9 x-ray machine has the capability to identify all levels of
10 contraband, weapons, explosive devices, and it also uses color
11 codes to assist. The company that the board used to purchase the
12 x-ray machine will also be providing training, so we're not just
13 going to purchase it and put it down there. They're going to
14 actually train the staff on how to use it, so it can be the most
15 effective.

16 The board has also purchased a guard house. We're hoping
17 that with having the guard house there, that is going to deter
18 issues that we have in terms of contraband entering the facility.
19 So that has been purchased. It's currently being installed. I'm
20 sorry, not installed; it should be delivered by January the 30th.

21 THE COURT: What is a guard house, if I may ask?

22 MS. PRINCE: Just when you enter the premises, there's no
23 guard sitting there when you actually go to the facility. So
24 there is going to be a guard house, so before you enter the
25 facility, you will pass by the guard house to get to the facility.

1 THE COURT: So that's going to have to be maintained by a
2 guard?

3 MS. PRINCE: Yes, Your Honor.

4 THE COURT: So -- okay. So as you get -- you're talking
5 about RDC, right?

6 MS. PRINCE: Yes, at RDC.

7 THE COURT: Okay. So you'll go past -- the person will
8 let you -- you will leave your car in the parking lot, walk over
9 into the area, is that it, and then go into the building?

10 MS. PRINCE: Well, before you get to the building the --

11 THE COURT: Oh, before you get in?

12 MS. PRINCE: Before you get to the building.

13 THE COURT: Are you talking about before you get to the
14 parking lot or --

15 MS. PRINCE: Yes, before you get to the parking lot is my
16 understanding.

17 THE COURT: Okay. So on the road?

18 MS. PRINCE: On the road. And we're also putting cameras
19 up, so you can actually look at the perimeter of the building.
20 But the guard house is to deter the entry of contraband and to
21 prevent any escapes or things of that nature, so there's an added
22 security feature of having the guard house.

23 THE COURT: So a person's car -- like at the state
24 facilities, a person's car will be searched when they come up. I
25 mean, you'll be asked to show your ID and open up your trunk or do

1 whatever?

2 MS. PRINCE: Yes, Your Honor.

3 THE COURT: Whatever -- whatever --

4 MS. PRINCE: Yes, Your Honor.

5 THE COURT: Okay.

6 MS. PRINCE: And lastly in terms of security features,
7 they've also installed a flashing light and a video monitor. This
8 will cover the County Farm Road and entry into the road to the
9 Raymond Detention Center that lead to the rear gate. So there's
10 an extra flashing light that lets people know, hey, you're being
11 watched. You're on surveillance. And it gives us more security
12 in terms of who is entering and exiting the facility.

13 Another hire that they're looking to authorize in
14 February, we're asking for the authority to hire a designated
15 full-time recruitment officer within the detention center. So
16 this action is going to be taken in conjunction with input from
17 the sheriff's department and the monitors as well. But the
18 authority will be there, so we'll be able to be in compliance at
19 the time outlined by the stipulated order.

20 As it relates to population management, there is authority
21 on February the 3rd to make -- to create three new positions.
22 Each time there is a new position created, there's a new pin
23 that's created and a new budget appropriation. So on
24 February 3rd, we're asking for the authority to create a pretrial
25 services program for long-term population management. We're also

1 getting authority to retain a consultant experienced in the
2 area -- in the area of implementation of pretrial services and the
3 authority to hire a full-time individual who is qualified to
4 oversee this program.

5 The County does understand that even though we're
6 initially getting someone to oversee the program that the program
7 may grow into a multiperson department. So as we look at the
8 budget, we're also looking at additional funds to staff the
9 department to include more than one person, because in order to be
10 successful in pretrial prevention, then it probably will take more
11 than one person. So the board is aware, and they're making
12 provisions to help do that as well and will also do this in
13 conjunction with input from Southern Poverty since it will
14 possibly effect things at Henley-Young as well.

15 Lastly in terms of ongoing efforts, the County is really
16 trying to make sure that this Court understands -- that they know
17 and they understand the seriousness of this matter, and we
18 appreciate the Court's willingness to work with us as we work
19 through the issues that are outlined in the stipulated order and
20 the consent decree itself. And we're committed to making sure
21 that we comply with this Court's continued orders, and this
22 concludes my update. I'm available for any additional questions
23 you have.

24 THE COURT: You talked about a lot of new positions for a
25 county that says that they didn't have x-amount of dollars to do

1 some of the other earlier stuff. But you've committed to it.
2 You've told me that that's what I should expect, so that's what I
3 will expect.

4 But let me ask this question, and I did not go back to it
5 with the monitors. I failed to re-ask it at the time. What --
6 there's -- the issue of either 800 days by a juvenile who is
7 sitting over there or 800 days by an adult who is sitting in
8 Raymond, what -- and I know we've got a plan for a CJCC. But
9 what, if anything, is the County -- I realize the district
10 attorney is a state officer; I realize that. But there has to be
11 some coordination between that state officer and the sheriff's
12 department, because the sheriff's department has the obligation to
13 provide for these people while they are awaiting trial. The
14 sheriff has custody over them. The County pays all of the bills
15 that are attended to them.

16 In the County's response to the Government's motion for
17 contempt, the County noted that it is multiple -- the times at
18 which one is detained in their facilities is substantially longer
19 than other places across the country and/or across the state.
20 What is being done to make sure -- I imagine it's pretrial
21 services department as you said. You know, one person won't be
22 able to do this. It's probably going to take a department. And
23 that will probably alleviate some of the problem, because you'll
24 find that certain people might be best being monitored outside of
25 the facility some way. But what -- what plan is in place? What

1 is being talked about to get people processed through the system
2 in a timely fashion?

3 There's a 270-day rule under state law. Obviously, that
4 is compounded, because there's always continuances and stuff. But
5 what is being done to make sure that nobody is -- this is a --
6 this is an excessive burden on the County. The County assumes a
7 cost per day, I would imagine, in sort of figuring out how much
8 money to allot toward their criminal justice system. Say, it's
9 \$10 a day, which I know it's not. It's much greater than that.
10 But what is the County doing to make sure that these people are
11 getting processed through the system?

12 MS. PRINCE: Well, the County has been fortunate very
13 recently that the current district attorney has been very
14 responsive. One way that we're able to monitor this is working
15 closely with the courts. The board of supervisors has enjoyed a
16 good relationship with the circuit court. And as we identify
17 individuals who have been detained for periods longer than
18 270 days, the new DA has been very responsive in terms of trying
19 to identify those issues and possibly get those people put on
20 house arrest or released.

21 THE COURT: Can the sheriff's department, for example,
22 tell me today of the 400 people over there, who has been there
23 more than 270 days?

24 MS. PRINCE: I don't want to speak out of turn for the
25 sheriff's department. I will yield that to Ms. Barker. But I

1 would like to address another comment that the Court made in terms
2 of being able to afford the different positions that we're talking
3 about, because we want to be clear to the Court that we're not
4 here to make empty promises or to make excuses.

5 But one thing that the board has recently done is take a
6 hard look at some of their expenses and the way that they've
7 handled the budget, and they've made the consent decree a
8 priority. One of those things is by looking at tax revenues and
9 the way that we budget those. Looking at the amount of tax
10 abatements that are provided and possibly looking to reduce those
11 and put that money into salaries, put that money into training,
12 and put that money into funding some of these positions.

13 So there is a budget crunch with Hinds County, but they
14 have been very deliberate in looking at the budget to make sure
15 that we can meet some of the requirements to be competitive,
16 because we just don't want any jail administrator or any program
17 manager. We want the best for Hinds County. So we're hoping by
18 doing some of these things that we're getting the best, and we're
19 offering competitive salaries.

20 And then once people actually come to Hinds County to
21 work, they'll say that they like it here, and they can help
22 improve the system. And that is the ultimate goal to get the
23 system improved, you know, for the benefit of all the detainees
24 both at all the adult centers and at Henley-Young.

25 THE COURT: I mean, the significant cost that the County

1 is making, I think the monitor mentioned this at some point with
2 respect to the physical plant issues and the costs therein, the
3 County might get to the point where it makes -- has to make a
4 fork-in-the-road decision; do they spend, you know, millions of
5 dollars in the RDC over the short term with thinking about a
6 long-term plan for something else, which is going to cost even
7 more millions of dollars? I don't know. That's left to the
8 policymakers in Hinds County.

9 But it seems like that's an issue that might have to be
10 discussed and grappled with, but, of course, in grappling with
11 that issue you'll be bound by this agreement. Do you agree?

12 MS. PRINCE: I agree, Your Honor.

13 THE COURT: Okay. Thank you, Ms. Prince.

14 MS. PRINCE: Thank you, Your Honor.

15 THE COURT: Ms. Barker?

16 MS. BARKER: May it please the Court?

17 THE COURT: You may proceed.

18 MS. BARKER: Your Honor, I believe that Ms. Prince
19 detailed a lot of the efforts that have been ongoing between the
20 board and the sheriff's office. I would like to just add a little
21 bit more detail to those issues that fall under the direct purview
22 of the sheriff's office, mainly I believe it's Sections II and III
23 of the stipulated order.

24 The first section regarding staffing, we do appreciate the
25 County's efforts and knowing or identifying that this is a

1 critical issue. Safety and security has always been a critical
2 issue in this matter, first and foremost, before any of the other
3 95 provisions of the consent decree. And we do appreciate the
4 County trying to be proactive in hiring perhaps a security firm to
5 man those guard shacks and the parameter, so we can devote more
6 resources to the employees inside the pod.

7 Next week we have Mr. Matt Rivera, who is our staffing
8 expert, who has -- who has been identified by the monitors to help
9 the sheriff's office in recruiting and retention specific to
10 corrections. Now, there has been a long-standing problem with
11 retention of our detention officers, and we are hoping that -- we
12 are very encouraged that Mr. Rivera, who was on site in December,
13 he's going to come back and have more specific meetings to help us
14 identify and correct any problems that could be system-wide with
15 retention.

16 With that effort as well, he's going to help us craft a
17 job description for jail administrator, which we will post next
18 week, because the board has given authority for us to post and pay
19 those bills for posting. So we are encouraged in that effort.

20 The week after that, Ms. Karen Albert, who is the policy
21 and procedure expert who is being paid through the monitor's
22 budget, she will be on site to help us plug along and further our
23 attempts in the policies and procedures. Which one thing I am
24 very happy to report to the Court is that we have adopted our use
25 of force policy. It has been approved through the Department of

1 Justice, and it is adopted. So that is -- that is huge, and in
2 conjunction with that, the stipulated order specifically mandates
3 an amount of time and basically a process as to -- as to implement
4 these new policies and procedures. So I know Your Honor is aware
5 of that, that once a policy is accepted, we have to come up with a
6 training plan and a curriculum to train all the officers within
7 the detention services. I have met, along with the monitors, this
8 week with our new training department to come up with that
9 curriculum, and they've already actually have one in the works.

10 So we do have a lot of work to do. However, a lot of that
11 work has already been committed to and is already being done. I'm
12 encouraged by that. There is a -- we're seeing a lot of new
13 players in this, which I think is needed.

14 Now, I'm not naive to say that everything is going to
15 magically fix itself overnight, but we have a new DA who seems to
16 be very engaged and very enlightened to the plight of the
17 detainees who are -- the pretrial detainees, innocent people by
18 all facts and circumstances, who are sitting in our jail for an
19 exorbitant and unacceptable amount of time.

20 THE COURT: Has there been any discussion or talk about --
21 and I apologize for cutting across you.

22 MS. BARKER: No. No. No.

23 THE COURT: Has there been any discussion to talk about
24 some mechanism between the two offices about tracking and keeping
25 track?

1 MS. BARKER: Well, Your Honor, I appreciate that you've
2 mentioned that. I am in talks with DA Owen to get down -- sit
3 down for a meeting. And also as -- I don't know if Your Honor is
4 aware, we have a new public defender as well, Ms. Gail Lowery, and
5 I have a great working relationship with Ms. Lowery. I'm very
6 encouraged about that.

7 And I believe that we three need to get to the table as
8 soon as possible. We've had, quite frankly, Your Honor, we've
9 been a little busy the last two weeks, so I anticipate with
10 sheriff as well to sit down with DA Owens in the next week or the
11 next.

12 THE COURT: I mean, I realize the public defender
13 represent a great swath of the people, but the DA represents
14 everybody.

15 MS. BARKER: Right.

16 THE COURT: I mean, the DA is on one side of the "v" in
17 every case -- every case.

18 MS. BARKER: Yeah.

19 THE COURT: So I'm just trying to figure out why there's
20 not been any -- I'm just trying to figure out why we can't track
21 certain things.

22 MS. BARKER: I understand what you're saying. It sounds
23 like a seemingly --

24 THE COURT: Because what I heard earlier from Ms. Simpson,
25 for example, there are 60 different people in the system who might

1 have an order that questions or deals with their competency. Now,
2 whether or not they're being sent to a place, whether they're
3 being evaluated, or whether they're being sent to a state
4 facility, or being -- or frankly staying there, nobody knows what
5 that number -- nobody knows the status --

6 MS. BARKER: Right.

7 THE COURT: -- of those orders. Although, the DA has a
8 copy of all of those orders.

9 MS. BARKER: That's right.

10 THE COURT: And the sheriff's office should have a copy, I
11 guess. I'm trying to figure out if there is -- I mean, the
12 sheriff's department -- I mean, because the sheriff has custody of
13 these people.

14 MS. BARKER: Right.

15 THE COURT: Our U.S. Marshals have custody of our people.
16 They get a copy of every judgment and the commitment order, and
17 they know where their people are who they have custody of and who
18 they are at the time that they have them. I take it y'all, the
19 sheriff's department, does not know that.

20 MS. BARKER: It does not seem like that they do. I mean,
21 Ms. Simpson represented to the Court as well it's a confusing
22 process, because from what I understand is that there is trouble
23 with communication between the state hospital and our medical
24 provider and even the state hospital and our booking as to where
25 these people are in the process; and that is unfortunate.

1 And, quite frankly, we couldn't even -- the past DA would
2 not even come to a meeting or respond to e-mails, so there was no
3 way to physically move those people forward or to clear up any
4 confusion. So from the sheriff's office standpoint, you know,
5 we're in this consent decree. The County is in this consent
6 decree. There are two other parties who could be that are -- that
7 are held responsible for the criminal justice system, which is the
8 DA's Office and the judiciary.

9 So I'm encouraged going forward. I'm not naive that it's
10 going to magically happen overnight. But, yes, that is something
11 that is going to be on the agenda to speak with DA Owens about,
12 and I'm hoping that we will have a good mechanism to go forward.

13 Additionally, I would request -- I know that the monitors
14 mentioned this, but the position of court coordinator or court --
15 I believe it was the court coordinator. It was a position held by
16 Kenny Lewis within the -- it's a county position, but he worked
17 within the detention department. And he did a great job pushing
18 people through the system and making sure that people who were
19 held there for a long time got out. That position is now vacant.
20 I would -- that is a very important position. We've done a lot, I
21 believe, with the resources that we have given the fact that there
22 is a lot that still needs to be done that's out of our control.
23 That is one thing that's in our control, and I do think that we
24 need that position filled.

25 THE COURT: Is it vacant because Mr. Lewis is now a

1 justice court judge, or is it vacant because there have been some
2 other decisions made by the county --

3 MS. BARKER: I'm not --

4 THE COURT: -- or the sheriff?

5 MS. BARKER: I can't speak to that.

6 THE COURT: Who did Mr. Lewis --

7 MS. BARKER: He was a county employee, and the position is
8 vacant now.

9 THE COURT: Okay. Ms. Prince?

10 MS. PRINCE: Your Honor, if it pleases the Court?

11 The position is vacant, because Mr. Lewis took the
12 position as justice court judge. At the January 15th, 2020,
13 meeting, the board did authorize a risk manager position, which
14 also included the duties of making sure that the County was in
15 compliance with Section L of the consent decree.

16 After taking that action, I did have a conversation with
17 Ms. Simpson, who said that we probably will need to get a
18 full-time person just for Section L. So the County is currently
19 looking for that person, so that is a position that will be filled
20 that will be separate from the risk manager and will assume the
21 duties that Mr. Lewis was doing.

22 THE COURT: Okay. All right. Ms. Barker, you may.

23 MS. BARKER: And, Your Honor, I believe that that
24 concludes my presentation to the Court. I am here to answer any
25 of the Court's questions that you may have.

1 THE COURT: All right. Thank you, Ms. Barker. I would --
2 I just inquire of the parties, including the monitor, for future
3 purposes with respect to these status conferences and hearings, I
4 realize the district attorney has been to at least two of these
5 over the last 12 months, I think. I think I remember seeing
6 Mr. Smith at one and Mr. Owens at another, I think.

7 It's such a fundamental person in the Hinds County
8 criminal justice system that an invitation needs to be extended to
9 him if -- or somebody in his office. And because you believe that
10 the public defender has a critical role because they represent a
11 significant number of these people -- I realize you have your
12 CJCC, and they're on that. But it might be helpful to at least
13 have them represented.

14 MS. BARKER: I agree, Your Honor, and I will reach out to
15 both DA Owens and Ms. Lowery and advise them or invite them to the
16 next status conference.

17 THE COURT: Okay. The monitor mentioned -- and this is
18 probably something I should ask the county. But the monitor
19 mentioned about the leak in the roof, and one being able to I
20 guess request or repair submitted by requisitions or whatever or
21 request for repairs are submitted by the sheriff's office to the
22 county or the county administrator or to the county about -- I
23 mean, do we know when or if that particular need has even been
24 given to the County yet?

25 MS. BARKER: From my understanding, it has been. However,

1 I don't want to speak on behalf of the County. So I'll let
2 Ms. Prince address any issues.

3 THE COURT: I mean, but it's been reported by the sheriff
4 to the County is the question.

5 MS. BARKER: Yes. Yes, Your Honor.

6 THE COURT: Okay. All right. I think that the -- I think
7 that the stipulated order speaks for itself. I'm certainly going
8 to -- any fair reading of it to me suggests it does and that the
9 parties have negotiated all that language and all the details in
10 it, so I expect -- I expect compliance, full compliance.

11 I know the original consent decree broke things down to
12 substantial compliance and some other type of compliance, and I
13 think in going through it, I think my order noted that there
14 was -- I heard Mr. McDaniels say over there at Henley-Young 83 out
15 of 87 or 83 out of something was substantial compliance or either
16 full compliance, I think he said.

17 And I think my order represents that there's only been --
18 of the 92 issues for the County at their three facilities: RDC,
19 JDC and WC, that there's only one. I don't expect to see that
20 again.

21 MS. BARKER: I don't either.

22 THE COURT: So is there anything else that the Court needs
23 to take up? Excuse me. Hold on.

24 Reminded me of a note that I have here. One of the
25 monitors -- or the monitor, Ms. Simpson, did mention, and I know

1 the Court mentioned it, too, I think self-reporting and
2 self-assessment. Self-reporting in particular, because we need to
3 know what's going on over there when things happen, and we need to
4 know in a timely manner. I think I noted that the Court became
5 aware of one thing, because it was circulated in the media.

6 But there's some provisions of self-assessment and
7 self-reporting. What measures does the sheriff have adopted or
8 seeking to adopt or doing whatever to make sure that everybody
9 understands what -- what the monitors mean by self-reporting and
10 self-assessment?

11 And that's to the County, too, because the County has some
12 assessment issues, I think, but particularly the sheriff.

13 MS. BARKER: Your Honor, what we envision is the
14 quality -- we do need to have someone in charge from the sheriff's
15 office to do that self-assessment. And just being candid with the
16 Court, that has not been a priority for the sheriff's office it
17 seems for the last couple of years. However, I have had some very
18 serious conversations with our new sheriff and new administration,
19 our new command staff, and they understand that.

20 And that is a recommendation that we will have or identify
21 someone in charge of the self-assessment in the future. That has
22 not been done on the County side nor the sheriff's side for the
23 last couple of years. And that will be -- I think that that could
24 contribute to one of the reasons that maybe it seemed like we were
25 chasing our tails for the last three years with no firm direction.

1 You know, that is a very valid point that that will help us
2 internally regulate what we are doing and where we are going and
3 getting a big plan. One thing that I'm very encouraged about and
4 very happy to be representing a client that understands the need
5 for specific duties and deadlines and ways to accomplish a goal
6 and accomplish a plan.

7 THE COURT: Thank you, Ms. Barker.

8 MS. BARKER: Thank you.

9 THE COURT: I'll return to the United States. Is there
10 anything else?

11 MR. CHENG: No, Your Honor.

12 THE COURT: Anything else from my monitors, Ms. Simpson?

13 MS. SIMPSON: No, Your Honor.

14 THE COURT: All right. Oh, I didn't ask you, Ms. Barker,
15 as I said I would. But is there a report -- can the sheriff run
16 a -- is it physically -- is there a system in place that allows
17 the sheriff to run a report, for example, which would show him
18 persons who have been in the facility for more than 270 days?

19 MS. BARKER: Yes, there is, Your Honor. And I don't want
20 to speak out of turn, because that is not my -- that is not my
21 expertise. So I would -- yeah, Major Rushing should know. But
22 could I --

23 MR. TEEUWISSEN: The answer is yes.

24 MS. BARKER: The answer is yes, but to the detail that I
25 want to give Your Honor --

1 THE COURT: I realize there are extenuating circumstances
2 on everybody's case.

3 MS. BARKER: Right.

4 THE COURT: Sometimes the state will have filed a motion
5 for continuance, sometimes the defendant. A lot of times the
6 defendants will have, and I know sometimes that is used as a trial
7 strategy.

8 We get petitions, habeas petitions, because some of the
9 people say I'm sitting over here, and I don't even know that my
10 lawyer has filed that. I mean, so we do know that there are many
11 extenuating circumstances with respect to why one may be there,
12 but do we have something that tracks the days which somebody is
13 there?

14 MS. BARKER: Yes, Your Honor. And actually it's a report
15 that is given monthly, and now we're doing it weekly to the
16 circuit clerk, the circuit judges, to the DA's Office, to the
17 sheriff's office, the board of supervisors. It's an entire report
18 of indicted, nonindicted inmates or detainees, their specific
19 charge, how long they have been there, and I believe there's a
20 little bit more information.

21 But that is a generated report that is done now internally
22 weekly, so we will know. Because that's at the top of the
23 sheriff's agenda is how long have these people been in here, and
24 why are they still here? And that actually goes out monthly. I'm
25 not sure if it's a statutorily mandated report, but I do know that

1 it goes to, for example, the McArthur Justice Center gets that
2 monthly.

3 THE COURT: Okay. All right. Thank you.

4 Did you have something, Mr. Cheng?

5 MR. CHENG: Your Honor, I think that actually addresses
6 it, but Ms. Simpson did have a process that she worked with
7 Mr. Lewis on identifying people who had been held for long periods
8 of time. It's a manual process. She might be able to better
9 explain it.

10 THE COURT: Okay.

11 MS. SIMPSON: I think there are a couple of things going
12 on. One, is the indicted/unindicted list that Ms. Barker is
13 talking about, and it is run through the JMS, the information
14 management system. There is a lot of manual look-ups that have to
15 be done to actually clean up that list, but that is done and
16 provided, as I understand it, to a number of people in the system.

17 There is another more simple list that Kenny Lewis and I
18 and the IT department were working on, and that did not involve
19 separating it by unindicted and indicted. It was just a straight
20 list, and from that is how we calculated the average length of
21 stay and found that it was, as has been noted previously, about
22 twice the national average.

23 So that is something that was being calculated on a
24 monthly basis to see if that length of stay was improving. That's
25 not being done now with the change in employees, so there's a

1 number of different ways that that can be done.

2 And there are also quite a few system improvements that
3 can be looked at. Often that's done through the CJCC. I think
4 now with the active involvement of a DA that there's probably more
5 potential there. We did meet with the DA earlier this week and
6 learned of some of the impediments. He described the difficulties
7 dealing with the state lab and getting autopsy reports and
8 toxicology reports and the extent to which that slowed down the
9 indictment process and prosecution, as well as getting some
10 information from the public or from the police departments to the
11 prosecutor.

12 So there are -- there are a number of system issues that
13 can be addressed that would help improve the process. Some of
14 those cost money, such as one of the things that's being looked at
15 is whether private labs can be used to provide some of the
16 information that seems to be coming out so slowly from the state
17 lab. It's always a difficult position for a county who is bearing
18 the cost of the incarceration, to what extent do they pay for
19 something somebody else should be paying for, but would alleviate
20 their burden of the number of people incarcerated. So that's a
21 difficult question, but there are some areas that certainly can be
22 looked into to assist in moving that process along.

23 THE COURT: Thank you, Ms. Simpson.

24 Anything else, Mr. Cheng?

25 MR. CHENG: Nothing else, Your Honor.

1 THE COURT: All right. Counsel, I appreciate your
2 responses and making yourselves available for this status
3 conference. As you know, the monitor will be submitting a report
4 to the Court in the coming months. I think it's 90 days, 60 days?

5 MS. SIMPSON: Thirty days I provide a draft to the
6 parties, and they have, I believe, ten days to provide me their
7 comments, and then I get it in usually within about a week or two
8 after that.

9 THE COURT: So about 60 days, I guess, we should get an
10 update on what it was -- what the monitors have observed during
11 this week of visiting the facilities and talking to people and
12 looking over documents and things.

13 Again, I thank you all for your attention in this matter.
14 Obviously, the Court is -- I can't say fully aware. The Court --
15 you know, the Court's been accused of living in a tunnel, but
16 sometimes things come through the tunnel. And of course, we see a
17 crisis in our whole correctional facilities across the state.
18 Again, we're going to do all that we possibly can do to make sure
19 that this facility -- these facilities owned and operated by Hinds
20 County do not fall into disarray in any way.

21 I will have no problem enforcing the terms of this order
22 and doing whatever is necessary to protect the interests of those
23 who the County has a responsibility of protecting. The pretrial
24 detainees, the employees, and the public have no problem, and I'll
25 use all the tools that allow for me to do what I must do, every

1 tool possible.

2 So -- but thank you for this new commitment to making sure
3 that this process works. Obviously, no entity likes to be in the
4 state of receivership or having to be monitored by anybody.
5 Nobody likes that. But we're at this point now, and so we need to
6 be on a path to make sure that Hinds County can operate the
7 detention centers without the need of being monitored by any
8 court.

9 Again, thank you all so very much. Court is in recess.

10 MS. SUMMERS: All rise.

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COURT REPORTER'S CERTIFICATE

I, Candice S. Crane, Certified Court Reporter, in and for the State of Mississippi, Official Court Reporter for the United States District Court, Southern District of Mississippi, do hereby certify that the above and foregoing pages contain a full, true, and correct transcript of the proceedings had in the aforementioned case at the time and place indicated, which proceedings were recorded by me to the best of my skill and ability.

I further certify that the transcript fees and format comply with those prescribed by the Court and Judicial Conference of the United States.

THIS the 7th day of February, 2020.

/s/ Candice S. Crane, CCR

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